

Case No. 22-15961

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DONALD J. TRUMP, the Forty-Fifth President of the United States;
LINDA CUADROS; AMERICAN CONSERVATIVE UNION; RAFAEL BARBOSA;
DOMINICK LATELLA; WAYNE ALLYN ROOT; NAOMI WOLF,
Plaintiffs-Appellants,

v.

TWITTER, INC.; JACK DORSEY,
Defendants-Appellees,

and

UNITED STATES OF AMERICA,
Intervenor-Appellee.

*Appeal from the United States District Court for the Northern District of California (San Francisco),
Case No. 3:21-cv-08378-JD · The Honorable James Donato, District Judge*

EXHIBITS TO APPELLANTS' MOTION FOR JUDICIAL NOTICE
IN SUPPORT OF APPELLANTS' OPENING BRIEF

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Exhibit 1

Senator Tammy Baldwin (3:15:42):

Senator Baldwin: Thank you. I would like to begin by making two points. I believe the Republicans have called this hearing in order to support a false narrative fabricated by the President to help his reelection prospects. And number two, I believe that the tech companies here today need to take more action, not less, to combat misinformation, including misinformation on the election, misinformation on the COVID 19 pandemic, and misinformation and posts meant to incite violence. And that should include misinformation spread by President Trump on their platforms. So I want to start with asking the committee clerk to bring up my first slide. Mr. Dorsey, I appreciate the work that Twitter has done to flag or even take down false or misleading information about COVID 19, such as this October 11th tweet by the President claiming he has immunity from the virus after contracting it and recovering, contrary to what the medical community tells us. Just yesterday morning, the President tweeted this, that the media is incorrectly focused on the pandemic and that our Nation is, "rounding the turn on COVID 19." In fact, according to Johns Hopkins University in the past week, the seven day national average of new cases reached its highest level ever. And in my home State of Wisconsin, case counts continue to reach record levels. Yesterday, Wisconsin set a new record with 64 deaths and 5,462 new confirmed cases of COVID 19. That is not rounding the turn. But it is also not a tweet that was

flagged or taken down. Mr. Dorsey, given the volume of misleading posts about COVID 19 out there, do you prioritize removal based on something like the reach or audience of a particular alert user of Twitter?

Mr. Dorsey: I could be mistaken, but it looks like the tweet that you showed actually did have a label pointing to both of them, pointing to our COVID resource in our interface. So we, with regards to misleading information, we have policies against manipulating media in support of public health and COVID information. And election interference and civic integrity. And we take action on it. In some cases, it's labeling. In some cases, it is removal.

Senator Baldwin: What additional steps are you planning to take to address dangerously misleading tweets like the President's rounding the turn tweet?

Mr. Dorsey: We want to make sure that we are giving people as much information as possible and that ultimately we are connecting the dots. When they see information like that, that they have an easy way to get an official resource or many more viewpoints on what they are seeing. So we will continue to refine our policy. We will continue to refine our enforcement around misleading information. And we are looking deeply at how we can evolve our product to do the same.

Senator Tammy Duckworth (3:31:38):

Senator Duckworth: Thank you, Mr. Chairman. You know, I have devoted my life to public service, to upholding a sacred oath through support and defend the Constitution of the United States against all enemies foreign and domestic. And I have to be honest, it makes my blood boil and it also breaks my heart a little as I watch my Republican colleagues just days before an election sink down to the level of Donald Trump. By placing the selfish interests of Donald Trump ahead of the health of our democracy, Senate Republicans, whether they realize it or not, are weakening our national security and providing aid to our adversaries.

As my late friend Congressman Cummings often reminded us, you know, we are better than this. Look, our democracy is under attack right now. Every American, every member of Congress should be committed to defending the integrity of our elections from hostile foreign interference. Despite all the recent talk of great power competition, our adversaries know they still cannot defeat us on a conventional battlefield. Yet meanwhile, the members of the United States military and our dedicated civil servants are working around the clock in the cyber domain to counter hostile actors such as Iran, China and Russia. And they do this while the Commander in Chief cowers in fear of Russia and stubbornly refuses to take any action to criticize or warn Russia against endangering our troops.

I have confidence in the United States armed forces, intelligence community and civil servants. Their effective performance explains why our foreign adversaries have sought alternative avenues to attacking our nation. Afraid to face us in conventional, military or diplomatic ways, they look for unconventional means to weaken our democracy, and they realize that social media could be the exhaust port of our democracy. Social media is so pervasive in the daily lives of Americans and traditional media outlets that it can be weaponized to manipulate the public discourse and destabilize our institutions.

You know, after Russia was incredibly successful in disrupting our democracy four years ago, all of our adversaries learned a chilling lesson, social media companies cannot be trusted to put patriotism above profit. Facebook and Twitter utterly failed to hinder Russia's sweeping and systemic interference in our 2016 election, which used the platforms to infiltrate our communities, spread disinformation and turn Americans against one another. Of course, the situation has grown far worse today, as evidenced by today's partisan sham hearing. While corporations may plead ignorance prior to the 2016 election, President Trump and his Republican enablers in the Senate have no such excuse.

Senate Republicans cut a deal to become the party of Trump, and now they find themselves playing a very dangerous game by encouraging Russia's illegal hacking, by serving as the spreaders and promoters of disinformation cooked up by

foreign intelligence services, and by falsely claiming censorship. When responsible actors attempt to prevent hostile foreign adversaries from interfering in our elections, Senate Republicans insult the efforts of true patriots working to counter malign interference and weaken our security. This committee is playing politics at a time when responsible public officials should be doing everything to preserve confidence in our system of elections and system of Government. The reckless actions of Donald Trump and Senate Republicans do not let technology companies off the hook.

None of the companies testifying before our committee today are helpless in the face of threats to our democracy, small d democracy. Federal law provides you respective companies -- Federal laws provides your respective companies with authority to counter foreign disinformation and counterintelligence propaganda. And I want to be absolutely clear, gentlemen, that I fully expect each of you to do so. Each of you will be attacked by the President, senate Republicans and right wing media for countering hostile foreign interference in our election. But you have to do a duty to do the right thing because facts still exist.

Facts still matter. Facts save lives. And there is no both sides when one side has chosen to reject truth and embrace poisonous false information. So in closing, I would like each witness to provide a personal commitment that your respective companies will proactively counter domestic disinformation that spreads the

dangerous lie such as masks don't work while aggressively identifying and removing disinformation that is part of foreign adversaries efforts to interfere in our election or undermine our democracy. Do I have that commitment from each of you gentlemen?

The Chairman: Okay, Will. We will take Dorsey, Pichai, and then Zuckerberg. Mr. Dorsey.

Mr. Dorsey: We make that commitment.

The Chairman: Mr. Pichai.

Mr. Pichai: Senator, absolutely, yes.

The Chairman: And Mr. Zuckerberg.

Mr. Zuckerberg: Yes, Senator. I agree with that.

Senator Duckworth: Thank you. Your industry success or failure in achieving this goal will have far reaching life or death consequences for the American people and the future of our democracy. Thank you and I yield back,

Mr. Chairman.

Exhibit 2

PRESS RELEASES

Statement of U.S. Sen. Mark R. Warner on Section 230 Hearing (/public/index.cfm/pressreleases? ID=494E01A8-21F0-4825-81CA- F640C79FFC01)

Oct 28 2020

WASHINGTON – U.S. Sen. Mark R. Warner (D-VA) released a statement regarding the Senate Commerce Committee's hearing on Section 230 with tech CEOs today:

"It saddens me that some of my colleagues have joined in the Trump Administration's cynical and concerted effort to bully platforms into allowing dark money groups, right-wing militias and even the President himself to continue to exploit social media platforms to sow disinformation, engage in targeted harassment, and suppress voter participation. We can and should have a conversation about Section 230 – and the ways in which it has enabled platforms to turn a blind eye as their platforms are used to facilitate discrimination and civil rights violations, enable domestic terrorist groups to organize violence in plain sight, assist in stalking and networked harassment campaigns, and enable online frauds targeted at vulnerable users. But that conversation should be thoughtful and not serve as a cudgel to cow the platforms into continued inaction regarding efforts to manipulate their services 6 days ahead of the election."

Sen. Warner has written and introduced a series of bipartisan bills designed to protect consumers and reduce the power of giant social media platforms like Facebook, Twitter and Google. Among these are the *Designing Accounting Safeguards to Help Broaden Oversight And Regulations on Data (DASHBOARD) Act* (<https://www.warner.senate.gov/public/index.cfm/2019/6/warner-hawley->

introduce-bill-to-force-social-media-companies-to-disclose-how-they-are-monetizing-user-data) – bipartisan legislation to require data harvesting companies to tell consumers and financial regulators exactly what data they are collecting from consumers and how it is being leveraged by the platform for profit; the *Deceptive Experiences To Online Users Reduction (DETOUR) Act* (<https://www.warner.senate.gov/public/index.cfm/2019/4/senators-introduce-bipartisan-legislation-to-ban-manipulative-dark-patterns>) – bipartisan legislation to prohibit large online platforms from using deceptive user interfaces to trick consumers into handing over their personal data; and the *Augmenting Compatibility and Competition by Enabling Service Switching (ACCESS) Act* (<https://www.warner.senate.gov/public/index.cfm/2019/10/senators-introduce-bipartisan-bill-to-encourage-competition-in-social-media>) – bipartisan legislation to encourage market-based competition to dominant social media platforms by requiring the largest companies to make user data portable – and their services interoperable – with other platforms, and to allow users to designate a trusted third-party service to manage their privacy and account settings, if they so choose.

###

[Press Releases](#) (/public/index.cfm/pressreleases?type=PressReleases)

[Information/Technology](#) (/public/index.cfm/pressreleases?
label=Information/Technology)

Permalink:

<https://www.warner.senate.gov/public/index.cfm/2020/10/statement-of-sen-mark-r-warner-on-facebook-s-decision-to-finally-ban-qanon-from-its-platforms>

Exhibit 3

Sen. Richard Blumenthal (00:32:52):

Thank you very, very much Mr. Chairman. And thank you for having this hearing today. And I look forward to cooperating with you not only in this hearing, but in the up coming Congress on our own EARN IT bill, on other measures, because you're absolutely right. Change must come to social media. The fact is we meet today in an unprecedeted and precarious moment in American history. Daily, the president shocks our conscience and shakes the very foundations of our democracy using a powerful megaphone, social media. The president has used this microphone to spread vicious falsehoods and an apparent attempt to overturn the will of voters. Every day, he posts new threats and conspiracy theories about mail-in ballots and voting machines, lies that contradict his own election security officials and his lawyers. He uses this megaphone potentially to block a peaceful transition of power. Now, Mr. Zuckerberg and Mr. Dorsey, you have built terrifying tools of persuasion and manipulation with power far exceeding the robber barons of the last Gilded Age.

You have profited hugely by strip mining data about our private lives and promoting hate speech and voter suppression. You have an immense civic and moral responsibility to ensure these instruments of influence do not irreparably harm our country. I recognize the steps. They're really baby steps that you've taken so far. The destructive incendiary misinformation is still a scourge on both your platforms and on others. In fact, Google has been given a pass from today's hearing. It's been rewarded by this committee for its timidity, doing even less than you have done to live up to its responsibilities. The recent actions you have taken in fact are simply to check the truth of what appears on platform. Often it is voter suppression and incendiary malicious

misinformation. And you've tried to slow its insidious spread. That's not censorship, that's moral and civic responsibility.

Now, I believe and I hope the chairman agrees that a series of hearings on big tech is long overdue on antitrust issues, on privacy concerns and Section 230. I have urged, in fact, a breakup of tech giants because they've misused their bigness and power. Breaking off, for example, WhatsApp and Instagram. Rigorous privacy protection, because consumers should have control over their own data. And indeed Section 230 reform, meaningful reform, including even possible repeal in large part because their immunity is way too broad and victims of their harms deserve a day in court. But this hearing is certainly not the serious proceeding that we need. It may become a political sideshow, a public tar and feathering. My colleagues seem to want to ignore the foreign disinformation campaigns intended to interfere in our democracy and calls for murder of FBI director Ray and Dr. Fauci. What we've seen here are fighting words and hate speech that certainly deserve no free expression protection.

The fact is that the purpose of today's hearing seems as much to bully or brow beat you Mr. Zuckerberg and Mr. Dorsey from taking the more responsible action by threatening cuts to Section 230. Censorship is really a misnomer for this hearing. What you've done is to label and to fact check to avoid amplifying misinformation and to in effect impose those labels to alert people that what they are consuming may misinform them. And Facebook took down ads for Biden in Michigan and the ACLU in Colorado for mistaken information about voting. In short, there was action that affected both sides. I have fought for Section 230 reform for 16 years. From my time as Connecticut's attorney general, when I took on the scourge of registered sex offenders grooming

children on Facebook and MySpace. With Senator Portman, I have led passage of the only successful revision so far to Section 230 to Stop Enabling Sex Traffickers Act known as SESTA.

And chairman Graham and I have authored the only bill to reform Section 230 that has actually moved out of the committee. The EARN IT Act passed this committee unanimously. Change is going to come, no question. Change is on the way and I intend to bring aggressive and targeted reform to Section 230. But I am not, nor should we be on this committee interested in being a member of the speech police. There are real harms and real victims here. And in some ways, this hearing is a betrayal of those real harms and the real victims of them. Those harms have been caused by big tech because you have failed your responsibility as have others in this industry. I want to see real reform that will enable these abuses to be reformed because your platforms have embraced abuse and weaponized child predators, violent white supremacists and human traffickers.

And I've heard heart wrenching stories from victims. You've set back civil rights protections for Muslim Americans who live in fear of armed militias organized by private online groups. You have setback consumers and competition making that kind of antitrust action very, very important. The American public deserves and demands real reform and accountability, national consumer privacy rules, antitrust principles that curb predatory power and reforms the Section 230 that stops shutting the courthouse door to victims. I look forward to an opportunity for real change, and I think you can meet this moment by put in your power and your money on the right side of history. Thanks Mr. Chairman.

Sen. Richard Blumenthal (00:59:59):

Thanks Mr. Chairman. Let me bring this down to very practical terms. We're in the middle of another election. This election in Georgia could determine, in fact, which party controls the United States Senate. I'm concerned that both of your companies are in fact backsliding or retrenching, that you are failing to take action against dangerous disinformation, exactly the same kind of voter suppression tactics that existed in the last election and that you are, in fact, reducing content modification. Fighting words and hate speech in the last election could inflame violence and send poll workers into hiding, discourage people from coming to the polls. We have to expect the same kinds of malign tactics. In fact, they are already visible. I'm going to ask, Mr. Chairman, that these posts and tweets be entered into the record, if there's no objection, that are aimed at de-legitimizing the election in January. My question to you is will you commit to the same kind of robust content modification playbook in this coming election, including fact-checking, labeling, reducing the spread of misinformation, and other steps, even for politicians in the runoff elections ahead?

[...]

(01:02:01) Mr. Dorsey?

Jack Dorsey (01:02:03):

Yes, we do. We intend to learn from all of our experience with this election and bring all that learning going forward to make it more robust.

Jack Dorsey (02:38:45):

From a historical perspective, 230 has created so much goodness and innovation and if we didn't have those protections when we started Twitter 14 years ago, we could not start. And that's what we're most concerned with is making sure that we continue to enable new companies to contribute to the internet, to contribute to conversation. And we do have to be very careful and thoughtful about changes to 230 because going one direction might box out new competitors and new startups, going another might create a demand for an impossible amount of resources to handle it, and going at another might encourage even more blocking of voices or what's being raised here, which is censorship of voices and changing the internet dramatically.

Sen. Cory Booker (04:28:59):

To the gentlemen before us today, I'd like to ask specifically, have you taken any steps to modify your platforms algorithms to ensure that blatantly false election disinformation posted by election officials and specifically the most powerful person in the United States, Donald Trump, isn't amplified? That his posts that might get a lot of interactions, that are dead wrong, don't somehow get boosted by your algorithms. If you could both respond to that as quickly as possible.

[...]

(4:30:30) I appreciate that. I'd just like to get Jack's. This is information I know Jack, if you want to just respond on the algorithm. Excuse me, Mr. Dorsey, if you want to respond about the algorithms too. Do you have a specific measures that you're taking to prevent your algorithms from boosting false content?

Jack Dorsey (04:30:48):

Yes, so many of the labels did change how the algorithms amplify content.

Exhibit 4

Rep. Doyle:

48

1026 *Mr. Doyle. Oh, I know you have a policy, but will you
1027 take the sites down today? You still have 12 people up on
1028 your site doing this. Will you take them down?

1029 *Mr. Zuckerberg. Congressman, I would need to look at
1030 the -- and have our team look at the exact examples to make
1031 sure they violate the policy --

1032 *Mr. Doyle. Look at them today and get back to us
1033 tomorrow because those still exist. We found them as early
1034 as last night.

1035 Mr. Pichai, how about you?

1036 *Mr. Pichai. We have removed over 850,000 videos and
1037 we --

1038 *Mr. Doyle. But have you removed them all? Do you
1039 still have people that are spreading disinformation on your
1040 platforms? There are about 12 superspreaders.

1041 *Mr. Pichai. We have clear policies and we take down
1042 content. Some of the content is allowed if it is people's
1043 personal experiences. But we definitely --

1044 *Mr. Doyle. Okay. Thank you. Mr. Dorsey? I see my
1045 time is getting expired. Mr. Dorsey? Will you take these
1046 sites down? You got about 12 superspreaders. Will you take
1047 them down?

1048 *Mr. Dorsey. Yes. We remove everything against our
1049 policy.

1050 *Mr. Doyle. Thank you.

Rep. Butterfield:

86

1965 The chair now recognizes Mr. Butterfield for five

1966 minutes.

1967 *Mr. Butterfield. Thank you, Mr. Chairman.

1968 Mr. Zuckerberg, last year in response to the police

1969 killing of George Floyd, you wrote a post on your Facebook

1970 page that denounced racial bias. It proclaimed, "Black Lives

1971 Matter.'' You also announced that the company would donate

1972 \$10 million to racial justice organizations.

1973 And Mr. Dorsey, Twitter changed its official bio to a

1974 Black Lives Matter tribute, and you pledged \$3 million to an

1975 anti-racism organization started by Colin Kaepernick. And

1976 Mr. Pichai, your company held a company-wide moment of

1977 silence to honor George Floyd, and you announced \$12 million

1978 in grants to racial justice organizations.

1979 The CEO of Google subsidiary YouTube wrote in a blog

1980 post, "We believe Black Lives Matter and we all need to do

1981 more to dismantle systematic racism.'' YouTube also

1982 announced it would start a \$100 million fund for black

1983 creators.

1984 Now, all of this sounds nice. But there pronouncements,

1985 gentlemen, these pronouncements and money donations do not

1986 address the way your companies' own products, Facebook,

1987 Twitter, and YouTube, have been successfully weaponized by

1988 racists and are being used to undermine social justice

1989 movements, to suppress voting in communities of color, and

1990 spread racist content and lies.

1991 And so, gentlemen, in my view -- in my view your
1992 companies have contributed to the spread of race-based
1993 extremism and voter suppression. As the New York Times noted
1994 last year, "It is as if the heads of MacDonald's, Burger
1995 King, and Taco Bell all got together to fight obesity by
1996 donating to a vegan food co-op rather than lowering their
1997 calories.'

1998 Gentlemen, you could have made meaningful changes within
1999 your organizations to address the racial biases built into
2000 your products and donated to these organizations. But
2001 instead, we are left with platitudes and another round of
2002 passing the buck.

2003 America is watching you today. This is a moment that
2004 begins a transformation of the way you do business, and you
2005 must understand that. Perhaps a lack of diversity within
2006 your organizations has contributed to these failures. The
2007 Congressional Black Caucus's Tech 2025 initiative has been
2008 working for years to increase diversity and equity in tech
2009 companies at all levels, and you know that because we have
2010 visited with you in California.

2011 We founded this initiative in 2015 with the hope that by
2012 now, the tech workforce would reflect the diversity of our
2013 country. Here we are, 2021. I acknowledge that you have
2014 made some modest advancements, but enough. There must be

2015 meaningful representation in your companies to design your
2016 products and services in ways that work for all Americans.

2017 And that requires public accountability. History has
2018 shown that you have talked the talk but have failed to walk
2019 the walk. It appears now that Congress will have to compel
2020 you -- compel you, perhaps with penalties -- to make
2021 meaningful changes. And I am going to try the yes or no
2022 answer, and hopefully I will have better results than my
2023 colleagues.

Rep. Matsui:

2161 The chair now recognizes Ms. Matsui for five minutes.

2162 *Ms. Matsui. Thank you very much, Mr. Chairman, for
2163 having this hearing today.

2164 Today we have another opportunity, hearing from the

2165 leaders of Facebook, Twitter, and Google, in what has become
2166 a concerning pattern. The members of this committee are here
2167 to demand answers to questions about social media's role in
2168 escalating misinformation, extremism, and violence.

2169 Last week I testified at a House Judiciary Committee
2170 hearing about the rise in discrimination and violence against
2171 Asian Americans. Horrifically, that hearing came on the
2172 heels of a violent attack in Atlanta that left eight people,
2173 six of them Asian women, dead.

2174 The issues we are discussing here are not abstract.
2175 They have real-world consequences and implementations that
2176 are too often measured in human lives. I am worried, as are
2177 many watching this hearing, that the companies before us
2178 today are not doing enough to prevent the spread of hate,
2179 especially when it is targeted against minority communities.
2180 Clearly the current approach is not working, and I think
2181 Congress must revisit Section 230.

2182 A recent study from the University of San Francisco
2183 examined nearly 700,000 tweets in the week before and after
2184 President Trump tweeted the phrase "Chinese virus." The
2185 results showed two alarming trends: There was a
2186 significantly greater increase in hate speech the week after
2187 the President's tweet, and that half of the tweets used in
2188 the hashtag #chinavirus showed an anti-Asian sentiment
2189 compared to just one-fifth of the tweets using the hashtag

2190 #covid19.

2191 This empirical evidence backs up what the World Health
2192 Organization already knew in 2015, saying, "Disease names
2193 really do matter. We have seen certain disease names provoke
2194 a backlash against members of particularly religious or
2195 ethnic communities.'' Despite this, Facebook and Twitter are
2196 still allowing hashtags like #chinavirus, #kungflu, and
2197 #wuhanvirus to spread.

2198 Mr. Zuckerberg and Mr. Dorsey, given the clear
2199 association between this type of language and racism or
2200 violence, why do you still allow these hashtags on your
2201 platforms? Anyone answer that, or is that not answerable?

Rep. Soto:

3993 The chair recognizes Mr. Soto for five minutes.
3994 *Mr. Soto. Thank you, Mr. Chairman.
3995 When television, radio, traditional newspapers,
3996 political blogs, and even private citizens spread lies, they
3997 can be sued and held liable for damages or FCC fines. But
3998 pursuant to 230, you all can't be sued. You have immunity.
3999 But it ain't 1996 anymore, is it? Meanwhile, lies are
4000 spreading like wildfire through platforms. Americans are
4001 getting hurt or killed. And the reason is your algorithms.
4002 I want you to all know I was held captive in the gallery
4003 during the Capitol insurrection. I was surrounded by
4004 domestic terrorists that killed the Capitol police officer,
4005 ransacked the Capitol, and almost disrupted a presidential
4006 election. And many of these domestic terrorists plotted on
4007 your platforms. I think we all understand by now this
4008 violence is real. And so this is why we are here today, in

4009 the committee of jurisdiction, with power to protect our
4010 fellow Americans.

4011 Mr. Zuckerberg had mentioned effective moderation
4012 systems. So now we know you have systems that can prevent
4013 many of these harms. Thank you for your statements
4014 supporting accountability today, an even for championing
4015 support of accountability now.

4016 So the question is: What specific changes to
4017 Section 230 do you support to ensure more accountability?
4018 Mr. Zuckerberg just mentioned categories of content that are
4019 clearly illegal, U.S. privacy standards, and data portability
4020 as three standards we should be looking at.

4021 Mr. Pichai, should we be creating these standards and
4022 then holding platforms accountable if they violate them under
4023 230?

Rep. Rochester:

5293 And while we are considering Section 230, what is clear

221

5294 from this hearing is that we should all be concerned by all
5295 of your abilities to adequately -- and just as importantly,
5296 rapidly -- moderate content. In some of these cases, we are
5297 talking life and death.

Exhibit 5

WRITTEN TESTIMONY OF TWITTER CEO JACK DORSEY (@JACK)
U.S. HOUSE COMMITTEE ON ENERGY & COMMERCE
MARCH 25, 2021

Twitter's purpose is to serve the public conversation. While much has changed in the world since we started fifteen years ago, we believe our mission is more important than ever.

Every day Twitter grapples with complex considerations on how to address extremism and misinformation. How do we prevent harm, while also safeguarding free expression and the right of diverse individuals to express a range of views? How do we develop policies that can be built at scale and adapt rapidly, especially given diverse regulatory models around the world? What role should our company play in determining these pivotal questions? What information should we rely on when making decisions? How do we earn the trust of those who use our service?

These are even harder questions in an increasingly polarized world, which has consequently heightened concerns about information sources. Quite simply, a trust deficit has been building over the last several years, and it has created uncertainty — here in the United States and globally. That deficit does not just impact the companies sitting at the table today but exists across the information ecosystem and, indeed, across many of our institutions.

This Committee has expressed interest in what we are doing to combat “falsehoods about the COVID-19 vaccine” and “debunked claims of election fraud.” We have [COVID-19](#) and [vaccine misinformation](#) policies, as well as a [COVID information hub](#). Our [civic integrity](#) and [platform manipulation](#) policies are available on our [Help Center](#), along with information on our bans on [state-controlled media](#) advertising and [political advertising](#). As a follow-up to our [preliminary post-election update](#), we are conducting a review of the 2020 U.S. election, the findings of which we intend to share.

Our efforts to combat misinformation, however, must be linked to earning trust. Without trust, we know the public will continue to question our enforcement actions. I believe we can earn trust by focusing on the following: enhancing transparency, ensuring procedural fairness, enabling algorithmic choice, and strengthening privacy.

Building & Earning Trust

Every day, millions of people around the world Tweet hundreds of millions of Tweets, with one set of rules that applies to everyone and every Tweet. We strive to implement policies impartially and at scale. We built our policies primarily around the promotion and protection of three fundamental human rights — freedom of expression, safety, and privacy.

At times, these rights can conflict with one another. As we develop, implement, and enforce our policies, we must balance these rights. Additionally, our policies must be adaptable to changes in behavior and evolving circumstances. This is why we must be transparent, embrace procedural fairness and choice, and protect privacy.

Transparency

While Twitter has made significant progress with respect to transparency, we know that we can do more to strengthen our efforts. People who use our service should understand our processes — how potential violations of our rules are reported and reviewed, how content-related decisions are made, and what tools are used to enforce these decisions. Publishing answers to questions

like these will continue to make our internal processes both more robust and more accountable to the people we serve.

Twitter's open nature means our enforcement actions are plainly visible to the public, even when we cannot reveal the private details behind individual accounts that have violated our rules. We use a combination of machine learning and human review to assess potential violations of the Twitter Rules. We take a behavior-first approach, meaning we look at how accounts behave before we review the content they are posting. If an account owner breaks our Rules and may be required to delete a Tweet, we have worked to build better in-app notices to communicate with both the account that reports a Tweet and the account that posted it with additional information about our actions. In January, we published our biannual update to the [Twitter Transparency Center](#), with additional data about actions we have taken to disrupt state-backed information operations, to enforce our COVID-19 policy, and take action on Tweets that violate our Rules.

In addition to ensuring transparency around our decisions, we are seeking ways to enhance transparency around how we develop our content moderation policies. In recent months, for example, there have been increased questions about how we should address policy violations from world leaders. As a result, we are currently re-examining our approach to world leaders and are soliciting [feedback](#) from the public. Our feedback period is currently open and our survey will be available in more than a dozen languages to ensure a global perspective is reflected.

Procedural Fairness (Accountability & Reliability)

Twitter is focused on advancing procedural fairness in our decision-making. We strive to give people an easy, clear way to appeal decisions we make that they think are not right. Mistakes in enforcement — made either by a human or an automated system — are inevitable and why we strive to make appeals easier. We believe that all companies should be required to provide those who use their service with straightforward processes to appeal decisions that impact them.

Algorithmic Choice

We believe that people should have transparency or meaningful control over the algorithms that affect them. We recognize that we can do more to provide algorithmic transparency, fair machine learning, and controls that empower people. The machine learning teams at Twitter are studying techniques and developing a roadmap to ensure our present and future algorithmic models uphold a high standard when it comes to transparency and fairness.

We also provide people control over algorithms that affect their core experience on Twitter. We have invested heavily in building systems that organize content to show individuals relevant information that improves their experience. With 192 million people last quarter using Twitter daily in dozens of languages and countless cultural contexts, we rely upon machine learning algorithms to help us organize content by relevance to provide a better experience for the people who use our service.

Privacy

We have always believed that privacy is a fundamental human right. We believe that individuals should understand the personal data that is shared with companies and have the tools to help

them control their information. To help people better understand their options, we have created the [Twitter Privacy Center](#), which acts as a hub for information about our privacy and data protection work.

We are constantly working to improve the controls people have to manage their personal data and experience on Twitter. In addition, we continue to support efforts to pass strong federal privacy legislation to safeguard important privacy rights.

Innovations to Address Misinformation

We also recognize that addressing harms associated with misinformation requires innovative solutions. Content moderation in isolation is not scalable, and simply removing content fails to meet the challenges of the modern Internet. This is why we are investing in two experiments — [Birdwatch](#) and [Bluesky](#). Both are aimed at improving our efforts to counter harmful misinformation.

Birdwatch

In January, we launched the “Birdwatch” pilot, a community-based approach to misinformation. Birdwatch is expected to broaden the range of voices involved in tackling misinformation, and streamline the real-time feedback people already add to Tweets. We hope that engaging diverse communities here will help address current deficits in trust for all. More information on Birdwatch can be found [here](#). We expect data related to Birdwatch will be publicly available at [Birdwatch Guide](#), including the algorithm codes that power it.

Bluesky

Twitter is also funding Bluesky, an independent team of open source architects, engineers, and designers, to develop open and decentralized standards for social media. This team has already created an initial review of the ecosystem around protocols for social media to aid this effort. Bluesky will eventually allow Twitter and other companies to contribute to and access open recommendation algorithms that promote healthy conversation and ultimately provide individuals greater choice. These standards will support innovation, making it easier for startups to address issues like abuse and hate speech at a lower cost. Since these standards will be open and transparent, our hope is that they will contribute to greater trust on the part of the individuals who use our service. This effort is emergent, complex, and unprecedented, and therefore it will take time. However, we are excited by its potential and will continue to provide the necessary exploratory resources to push this project forward.

Conclusion

As we look to the future, I agree with this Committee that technology companies have work to do to earn trust from those who use our services. For Twitter, that means tackling transparency, procedural fairness, algorithmic choice, and privacy. I think that this approach will be a growing trend across all companies and organizations, both big and small. I look forward to your questions.

Exhibit 6

Committee on Energy and Commerce

**Opening Statement as Prepared for Delivery
of
Subcommittee on Health Chair Anna G. Eshoo**

Hearing on “Disinformation Nation: Social Media’s Role in Promoting Extremism and Misinformation”

March 25, 2021

Chairs Doyle and Schakowsky, thank you for holding this critically important hearing.

As I’ve said before, misinformation is killing Americans and damaging our democracy. Social media companies – Facebook, YouTube, and Twitter – are a major cause of misinformation proliferating across society.

We’ll hear a lot today about content moderation issues. I have no knowledge of what my colleagues will ask today, but we’ve all seen this movie before. I’ve asked, as have my Democratic colleagues, why companies won’t remove posts and accounts that spread misinformation. My colleagues on the other side of the aisle have asked the opposite question about why certain posts and accounts are being taken down. Though I haven’t found evidence for any alleged anti-conservative bias, I hear their point and doubt I or this hearing will change minds on this issue. These are indeed important questions and issues, but these issues are the symptoms. It’s time we start addressing the disease.

To truly address misinformation, we have to address root problems.

First, we must use Section 230 strategically. I was a conferee for the Telecommunications Act of 1996 which included the now famous Section 230. I have a reverence for the core idea of the statute – online user speech must be protected. However, we could not have conceived of the role internet platforms would play in amplifying, recommending, and sorting content using complex and opaque, AI-driven algorithms. Too often, platforms are the ones amplifying illegal or harmful speech, including speech that leads to offline violence.

This is why Rep. Malinowski and I reintroduced our legislation, the *Protecting Americans from Dangerous Algorithms Act*, which narrowly amends Section 230 to remove liability immunity for a platform if its algorithm is used to amplify or recommend content directly relevant to a case involving interference with civil rights (42 U.S.C. 1985); neglect to prevent interference with civil rights (42 U.S.C. 1986); and in cases involving acts of international terrorism (18 U.S.C. 2333). 42 U.S.C. 1985 and 1986 are Reconstruction-era statutes originally designed to reach Ku Klux Klan conspirators. Sadly, they are being invoked in lawsuits against insurrectionists and perpetrators of the January 6th attacks.

March 25, 2021

Page 2

This bill is not a panacea for all online harms – no bill is – and I believe it can pair well with some other narrow Section 230 reforms that are being suggested. We should use a scalpel, not a sledgehammer, in reforming this critically important law.

Second, we must ban surveillance advertising. We've begun to work in silos where privacy is one problem, advertising is another, and misinformation is a third. I think this is the wrong way to see things. All of these problems, and others, are interconnected. We have to work on all of them and more.

Surveillance advertising is the root of the tree where the poisonous fruit of misinformation thrives. It incents platforms to maximize engagement by collecting unseemly amounts of data to target ads and amplify content that induces anger, anxiety, and fear. It's why algorithmic amplification thrives unchecked.

That's why, Rep. Schakowsky and I will introduce a bill in the coming weeks to ban surveillance advertising altogether. Misinformation is a deadly problem and we must address it at its roots. When a business model is fundamentally harmful, it shouldn't continue.

Finally, traditional content moderation must be improved. Platform companies have made important efforts to combat Covid-19 misinformation but the outcomes show that more must be done. According to a Walgreens executive, about 60% of employees and 20% of residents at long-term care facilities declined vaccines. National polls similarly show high levels of hesitancy, and social media is often cited as the cause of vaccine hesitancy.

Some platforms have turned to removing Covid misinformation that can cause ‘imminent harm’ and labeling the rest. Research shows that introducing additional information to someone that believes medical or science-related misinformation can backfire and cause them to further entrench in their pre-existing views. The implication is clear: Labels just don’t cut it. When it comes to Covid-19 misinformation, companies must rely on removals.

Exhibit 7

HOUSE COMMITTEE ON
ENERGY & COMMERCE

CHAIRMAN FRANK PALLONE, JR.

(/)

Search



E&C COMMITTEE ANNOUNCES HEARING WITH TECH CEOS ON THE MISINFORMATION AND DISINFORMATION PLAGUING ONLINE PLATFORMS

Feb 18, 2021 | Press Release

Energy and Commerce Committee Chairman Frank Pallone, Jr. (D-NJ), Communications and Technology Subcommittee Chairman Mike Doyle (D-PA), and Consumer Protection and Commerce Subcommittee Chair Jan Schakowsky (D-IL) announced today that the Communications and Technology Subcommittee and the Consumer Protection and Commerce Subcommittee will hold a fully remote joint hearing on **Thursday, March 25**, on misinformation and disinformation plaguing online platforms.

Facebook CEO Mark Zuckerberg, Google CEO Sundar Pichai, and Twitter CEO Jack Dorsey will testify.

“Whether it be falsehoods about the COVID-19 vaccine or debunked claims of election fraud, these online platforms have allowed misinformation to spread, intensifying national crises with real-life, grim consequences for public health and safety,” the chairs said. **“This hearing will continue the Committee’s work of holding online platforms accountable for the growing rise of misinformation and disinformation. For far too long, big tech has failed to acknowledge the role they’ve played in fomenting and elevating blatantly false information to its online audiences. Industry self-regulation has failed. We must begin the work of changing incentives driving social media companies to allow and even promote misinformation and disinformation.”**

Exhibit 8

BRIEFING ROOM

Press Briefing by Press Secretary Jen Psaki and Secretary of Agriculture Tom Vilsack, May 5, 2021

MAY 05, 2021 • PRESS BRIEFINGS

James S. Brady Press Briefing Room

12:32 P.M. EDT

MS. PSAKI: Hi, everyone.

Q Hi, good afternoon.

MS. PSAKI: Good afternoon. Okay. We have another special guest joining us today: Secretary of Agriculture Tom Vilsack.

As you all know, this is Secretary Vilsack's second turn at the Department of Agriculture, which he led in the Obama-Biden administration from 2009 through 2017, making him the longest-serving member of President Obama's Cabinet.

In those years, Secretary Vilsack fought to put Americans back to work by investing in rural infrastructure, renewable energy, and large-scale conservation partnerships. Under his leadership, USDA introduced healthier food choices in school meals to benefit 50 million children, and expanded free and reduced-price lunches for millions of kids.

Prior to his appointment — or nomination and confirmation, I should say — Secretary Vilsack served two terms as the Governor of Iowa, in the Iowa State Senate, and as the Mayor of Mount Pleasant, Iowa.

With that, I will turn it over to the Secretary, who will be — take a few questions once he concludes his remarks.

SECRETARY VILSACK: Jen, thanks very much. It's certainly a pleasure to be here today with

come from DOJ. And you may hear more from them today.

Go ahead, Kristen.

Q Thanks, Jen. Facebook has decided to keep former President Trump off of its platform for now. Senator Ted Cruz tweeted the following: “For every liberal celebrating Trump’s social media ban, if the Big Tech oligarchs can muzzle the former President, what’s to stop them from silencing you?” What do you make of that comment? Does he have a point?

MS. PSAKI: Well, let me first say that this is an independent board’s decision, and we’re not going to have any comment on the future of the former President’s social media platform. That’s a decision that, it sounds like, the independent board punted back to Facebook to make in the next six months, as I know you all have reported.

The President’s view is that the major platforms have a responsibility related to the health and safety of all Americans to stop amplifying untrustworthy content, disinformation, and misinformation, especially related to COVID-19, vaccinations, and elections. And we’ve seen that over the past several months, broadly speaking. I’m not placing any blame on any individual or group; we’ve seen it from a number of sources.

He also supports better privacy protections and a robust anti-trust program. So his view is that there’s more that needs to be done to ensure that this type of misinformation; disinformation; damaging, sometimes life-threatening information is not going out to the American public.

Q You’re saying more that needs to be done. Are there any concerns though about First Amendment rights? And where does the White House draw the line on that?

MS. PSAKI: Well, look, I think we are, of course, a believer in First Amendment rights. I think what the decisions are that the social media platforms need to make is how they address the disinformation, misinformation – especially related to life-threatening issues like COVID-19 and vaccinations that are – continue to proliferate on their platforms.

Q I want to ask you, also, Jen, about police reform. President Biden said he wanted it done by the first anniversary of George Floyd’s death: May 25th. Is he confident that Congress can meet that benchmark? Where do those negotiations stand?

MS. PSAKI: Well, the negotiations are between members of Congress. So – and he, of course, is confident in the – those discussions and the work that is happening under the leadership of

Exhibit 9

BRIEFING ROOM

Press Briefing by Press Secretary Jen Psaki and Surgeon General Dr. Vivek H. Murthy, July 15, 2021

JULY 15, 2021 • PRESS BRIEFINGS

James S. Brady Press Briefing Room

1:05 P.M. EDT

MS. PSAKI: Hi, everyone. We have another special guest today. Doesn't sing as well as our guest from yesterday — (laughter) — but very knowledgeable.

SURGEON GENERAL MURTHY: Definitely don't ask me to sing.

MS. PSAKI: (Laughs.) Today, we have a special guest, Surgeon General Vivek Murthy. The Surgeon General has been one of our leading voices on public health in the administration, in particular around the COVID-19 response.

Today, he published an advisory on health misinformation as an urgent public health crisis, and he is here to talk more about this issue and take a few of your questions.

With that, I will turn it over.

SURGEON GENERAL MURTHY: Hello, everyone. How are you?

Q Good, thank you.

SURGEON GENERAL MURTHY: It's nice to see you all today. And thank you, Jen, for that very kind introduction.

As all of you know, we've come a long way in our fight against COVID-19, and we've come a long way thanks to the efforts of many, many people across communities in the United States.

But right now, we are seeing COVID deaths markedly down from their peak in January. We have 160 million people who have been fully vaccinated. And hundreds of thousands of people each day are choosing to get vaccinated. That is all good news.

But we are not out of the woods yet. Millions of Americans are still not protected against COVID-19, and we are seeing more infections among those who are unvaccinated. And that's why I want to talk to you today about one of the biggest obstacles that's preventing us from ending this pandemic.

Today, I issued a Surgeon General's Advisory on the dangers of health misinformation. Surgeon General Advisories are reserved for urgent public health threats. And while those threats have often been related to what we eat, drink, and smoke, today we live in a world where misinformation poses an imminent and insidious threat to our nation's health.

Health misinformation is false, inaccurate, or misleading information about health, according to the best evidence at the time. And while it often appears innocuous on social media apps and retail sites or search engines, the truth is that misinformation takes away our freedom to make informed decisions about our health and the health of our loved ones.

During the COVID-19 pandemic, health misinformation has led people to resist wearing masks in high-risk settings. It's led them to turn down proven treatments and to choose not to get vaccinated. This has led to avoidable illnesses and death. Simply put, health [mis]information has cost us lives.

Now, health misinformation didn't start with COVID-19. What's different now though is the speed and scale at which health misinformation is spreading. Modern technology companies have enabled misinformation to poison our information environment with little accountability to their users. They've allowed people who intentionally spread misinformation — what we call "disinformation" — to have extraordinary reach.

They've designed product features, such as "Like" buttons, that reward us for sharing emotionally-charged content, not accurate content. And their algorithms tend to give us more of what we click on, pulling us deeper and deeper into a well of misinformation.

Now, we need an all-of-society approach to fight misinformation. And that's why this advisory that I issued today has recommendations for everyone.

First, we include recommendations for individuals and families. We ask people to raise the bar

for sharing health information by checking sources before they share, to ensure that information is backed by credible, scientific sources. As we say in the advisory, “If you’re not sure, don’t share.”

Second, we’re asking health organizations to proactively address misinformation with their patients. Today, the American Academy of Pediatrics is announcing an educational campaign to help parents navigate online health information. I’m encouraged to see this commitment. And, again, this is just the beginning.

Third, we’re asking educational institutions to help improve health information literacy.

We’re asking researchers and foundations as well to help us learn more about how health [mis]information spreads and how to stop it.

Today, the Rockefeller Foundation is announcing a \$13.5 million commitment to counter health misinformation. The Digital Public Library of America is announcing that they will convene a set of librarians, scholars, journalists, and civic leaders to confront health misinformation together.

Fourth, we’re saying we expect more from our technology companies. We’re asking them to operate with greater transparency and accountability. We’re asking them to monitor misinformation more closely. We’re asking them to consistently take action against misinformation super-spreaders on their platforms.

Fifth, we’re also asking news organizations to proactively address the public’s questions without inadvertently giving a platform to health misinformation that can harm their audiences.

And sixth, we know that government can play an important role too by investing in research, by bringing individuals and organizations together to address misinformation, and by supporting groups that are working on this issue.

On a personal note, it’s painful for me to know that nearly every death we are seeing now from COVID-19 could have been prevented. I say that as someone who has lost 10 family members to COVID and who wishes each and every day that they had had the opportunity to get vaccinated.

I say that also as a concerned father of two young children who aren’t yet eligible for the

vaccine, but I know that our kids are depending on all of us to get vaccinated to shield them from this virus.

Every week, I talk to doctors and nurses across our country who are burning out as they care for more and more patients with COVID-19 who never got vaccinated — all too often because they were misled by misinformation.

We must confront misinformation as a nation. Every one of us has the power and the responsibility to make a difference in this fight. Lives are depending on it.

You can read the full advisory at SurgeonGeneral.gov/HealthMisinformation.

And I hope that you will see it as I do — as a starting point from which we can build a healthier information environment, safeguard our nation against future threats, and ultimately, empower people to lead healthier lives.

Thanks so much for your time. And I'll turn it to Jen.

MS. PSAKI: Andrea.

Q Andrea Shalal with Reuters. I wanted to ask you whether you see any evidence at all that the misinformation or disinformation that you're seeing comes from any nefarious sources. Are you seeing some structures behind the scenes that point to who or what might be behind them? We've seen Russian disinformation in the past. We've seen, kind of, that hybrid warfare. Are you seeing any indication that there could be nation states behind this disinformation?

SURGEON GENERAL MURTHY: Well, Andrea, thank you for the question. The misinformation that we're seeing comes from multiple sources. Yes, there is disinformation that is coming from bad actors. But what is also important to point out is that much of the misinformation that is circulating online is often coming from individuals who don't have bad intentions, but who are unintentionally sharing information that they think might be helpful.

And that's why, in this advisory, we make it very clear that among the things we're asking individuals to do is to pause before they share, to check sources. And if they're not sure if a source is credible, to not share. You know, one of the things we have said, again, is that when it comes to misinformation, not sharing is caring — unlike what many of our moms taught us earlier in life. (Laughter.)

MS. PSAKI: Go ahead, Kaitlan.

Q Thank you very much. Surgeon General, is misinformation the number one reason why people are not getting vaccinated?

SURGEON GENERAL MURTHY: Well, Kaitlan, it's one of several reasons why people are not getting vaccinated, but it's a very important one because what we know from polls, Kaitlan, is that two thirds of people who are not vaccinated either believe common myths about the COVID-19 vaccine or think some of those myths might be true. Myths like, "You can get COVID from the vaccine," which is absolutely not true. So we know that it's not the only driver that's leading people not to be vaccinated, but it is a very important one.

Q And do you personally believe that public figures and public companies that are helping spread misinformation about the vaccine should be held accountable?

SURGEON GENERAL MURTHY: Well, I think in a moment like this when we see misinformation literally costing us our loved ones, costing us lives, all of us have to ask: How we can be more accountable and responsible for the information that we share?

And those of us who may have larger platforms, I think bear a greater responsibility to think about that. But the bottom line is all of us have an important role here to play, and technology companies have a particularly important role.

We know that the dramatic increase in the speed — speed and scale of spreading misinformation has, in part, been enabled by these platforms. So that's why in this advisory today, we are asking them to step up. We know they have taken some steps to address misinformation, but much, much more has to be done. And we can't wait longer for them to take aggressive action because it's costing people their lives.

MS. PSAKI: Go ahead in the middle, and then Rachel. And then, unfortunately, he has to go. Go ahead.

Q So, the reality is a lot of the health misinformation you were citing came from this lectern last year. I mean, what do you think the best approach is to counter or deal with misinformation that comes from public officials — people in position of authority?

SURGEON GENERAL MURTHY: Well, what I would say is that when it comes to determining what is accurate, in terms of health information, science has to guide us. And the good news is

that we have credible science individuals in our country. We have doctors and nurses in communities. We have public health departments and the CDC. We have medical schools, nursing schools, and healthcare institutions.

These should be our sources of credibility when it comes to evaluating whether information is true or not. I think one of the greatest roles that public leaders can play is to point to scientists and to credible sources and have them speak directly to the public.

I'll note for you that that's one thing that this administration has done is work hard to put science, scientists, and healthcare professionals in front of cameras to — having to speak directly to the public. That's what we have to do more of.

The problem right now is that the voices of these credible health professionals are getting drowned out, and that's one of the reasons we are asking technology companies to help lift up the voices of credible health authorities. It's also why they have to do more to reduce the misinformation that's out there so that the true voices of experts can shine through.

MS. PSAKI: Go ahead, Rachel.

Q Thank you so much for taking my question. So are there specific elected leaders that you believe are part of the problem with pushing this misinformation?

And we had an ABC News-Washington Post poll that showed that 93 percent of Democrats say they're vaccinated or will be vaccinated, but only 49 percent of Republicans say the same. So, how do you break through to the people who may be trusting some of these elected leaders that are pushing, maybe, some of this misinformation more than they actually trust members of your administration?

SURGEON GENERAL MURTHY: Well, thanks, Rachel. You know, I think about this as I — as I think about doctoring, and as I think about my approach to patients, which is: I recognize that each patient that I was blessed to care for is an individual, you know, regardless of what their political affiliation or their past may be. They're an individual and I — my goal was to understand what their needs and desires were, what their values were, and then to help them improve their health.

We have to take a similar approach here when it comes to reaching people with information about COVID-19 and the vaccine. We've got to recognize that sometimes the most trusted voices are not the ones that had the most followers on social media or are the ones that have

the most, you know, name recognition. Sometimes the most trusted sources are a mother or father or a faith leader or a local doctor or a nurse, and that's why, to reach people with accurate information, what we have to do is partner with those local trusted voices.

That's why, in this advisory, one of the things that we point out an important role for government is to support local organizations, including healthcare professionals, so that they can get out there and speak directly to people and share that information.

These public health efforts move at the speed of trust, and we have to recognize where trust is — you know, where those relationships are — invest in them, support them, so that people can ultimately get the information they need to improve their health.

MS. PSAKI: Thank you so much for joining us.

Q Jen, I have a follow-up for —

MS. PSAKI: Thank you.

Q — the Surgeon General on —

MS. PSAKI: I think he has to go, unfortunately. Thank you so much.

SURGEON GENERAL MURTHY: Thank you so much, Jen. Thanks, everyone.

MS. PSAKI: Okay, I think we're getting ready to start the briefing. I think everybody has a lot of questions. So why don't you —

Q (Inaudible.) You never —

MS. PSAKI: We — we are going to proceed with the briefing, and then we're happy to take lots of questions in the room.

Okay. So, unemployment claims, which you all saw the data come out this morning — today's data on new unemployment claims is further proof that the President's economic plan is working.

Today marked another new pandemic low in initial unemployment claims — the lowest level since March of 2020. And the four-week average of new claims continued to decline, dropping

to its lowest level in 16 months – down 55 percent since when President Biden took office.

This is evidence of the strengthening labor market we’re seeing across the economy: Unemployment is down, wages are up, and three million new jobs have been created in five months – the fastest rate in U.S. history.

We just gave you a few headlines over here, just in case you haven’t read all of your own coverage. (Laughter.)

And because of the President’s Rescue Plan and his work curbing the pandemic, the United States is expected to return to full employment by next year instead of 2024, which was the projection when the President first took office.

Another piece of news today: We heard the President, of course, announce today that \$15 billion in Child Tax Credit payments were distributed to tens of millions of families, covering 60 million children. Working families will receive these payments on the 15th of every single month for the next year thanks to the American Rescue Plan.

Eighty-six percent of American families will receive their payment by direct deposit. It will show up in their bank accounts as “Child CTC.” Others will receive their check in the mail today or in the next few days.

And just as a reminder: The American Rescue Plan is providing the largest-ever Child Tax Credit. And this is a historic increase that will provide middle-class families with critical tax relief. And many project it will help cut the child poverty rate in half.

I have a little update for all of you on ransomware, as well as vaccines. And then we’ll get to your questions.

In April, the President directed agencies to take aggressive action to counter the ransomware threat at home and abroad. We have coordinated these efforts, regularly convening an interagency task force that drives coordinated whole-of-government action to counter ransomware. Participation spans the whole government including law enforcement, the intelligence community, center risk management agencies, regulators, and other national security agencies.

Today, as a part of our ongoing ransomware efforts, the Department of Homeland Security, Department of Justice, Treasury, and State announced new resources and initiatives to protect

American businesses and communities from ransomware attacks.

Those include: The Department of Homeland Security and the Department of Justice launched StopRansomware.gov, a coordinated, federal government, one-stop resource for public- and private-sector organizations to reduce their risk of ransomware attacks.

The Department of Treasury announced a FinCEN exchange on ransomware to discuss efforts by the public and private sectors to increase targeted information sharing and analysis, and pursue criminal actors and networks that engage in such attacks.

And the Department of State announced it will offer up to \$10 million in rewards for information leading to the identification or location of any person engaged in state-sponsored, malicious cyber activities.

This is a part of our ongoing efforts and our ongoing work of our interagency process that is a new — a newer initiative in this administration.

Finally, last night, Haiti received 500,000 doses of COVID-19 Moderna vaccines donated by the United States through the COVAX facility. And we will send a significant amount of additional doses to Haiti soon, in consultation with local health authorities.

The embassy in Haiti has worked closely with Haitian health — the heal- — Haitian Health Ministry, Pan American Health Organization, and UNICEF to ensure that these vaccines arrive safely and securely, and that they are also distributed equitably and without interference to the people who need them most.

We remain, of course, a partner of the Haitian people in building a more stable and secure Haiti, including in its fight against COVID-19.

Go ahead, Alex.

Q Thanks, Jen. Can you talk a little bit more about this request for tech companies to be more aggressive in policing misinformation? Has the administration been in touch with any of these companies and are there any actions that the federal government can take to ensure their cooperation, because we've seen, from the start, there's not a lot of action on some of these platforms.

MS. PSAKI: Sure. Well, first, we are in regular touch with these social media platforms, and

those engagements typically happen through members of our senior staff, but also members of our COVID-19 team, given, as Dr. Murthy conveyed, this is a big issue of misinformation, specifically on the pandemic.

In terms of actions, Alex, that we have taken — or we're working to take, I should say — from the federal government: We've increased disinformation research and tracking within the Surgeon General's office. We're flagging problematic posts for Facebook that spread disinformation. We're working with doctors and medical professionals to connect — to connect medical experts with popular — with popular — who are popular with their audiences with — with accurate information and boost trusted content. So we're helping get trusted content out there.

We also created the COVID-19 — the COVID Community Corps to get factual information into the hands of local messengers, and we're also investing, as you all have seen in the President's, the Vice President's, and Dr. Fauci's time in meeting with influencers who also have large reaches to a lot of these target audiences who can spread and share accurate information.

You saw an example of that yesterday. I believe that video will be out Fri- — tomorrow. I think that was your question, Steve, yesterday; I did a full follow-up there.

There are also proposed changes that we have made to social media platforms, including Facebook, and those specifically are four key steps.

One, that they measure and publicly share the impact of misinformation on their platform. Facebook should provide, publicly and transparently, data on the reach of COVID-19 — COVID vaccine misinformation. Not just engagement, but the reach of the misinformation and the audience that it's reaching.

That will help us ensure we're getting accurate information to people. This should be provided not just to researchers, but to the public so that the public knows and understands what is accurate and inaccurate.

Second, that we have recommended — proposed that they create a robust enforcement strategy that bridges their properties and provides transparency about the rules. So, about — I think this was a question asked before — there's about 12 people who are producing 65 percent of anti-vaccine misinformation on social media platforms. All of them remain active on Facebook, despite some even being banned on other platforms, including Facebook — ones that Facebook owns.

Third, it's important to take faster action against harmful posts. As you all know, information travels quite quickly on social media platforms; sometimes it's not accurate. And Facebook needs to move more quickly to remove harmful, violative posts — posts that will be within their policies for removal often remain up for days. That's too long. The information spreads too quickly.

Finally, we have proposed they promote quality information sources in their feed algorithm. Facebook has repeatedly shown that they have the levers to promote quality information. We've seen them effectively do this in their algorithm over low-quality information and they've chosen not to use it in this case. And that's certainly an area that would have an impact.

So, these are certainly the proposals. We engage with them regularly and they certainly understand what our asks are.

Q And then, one of the problems with vaccines right now is that they become politicized. You guys — the White House has obviously made the calculation that it's important to be more aggressive in confronting this information, but is there at all a concern that that could backfire and further contribute to politicization? And is there anything that you can do to prevent that at this point?

MS. PSAKI: Well, you're abs- — you're absolutely right, I should say, Alex, in that we have to be very careful and we are mindful of being quite careful of not politicizing the effectiveness of vaccines, the fact that they can save lives — young people, old people, middle-of-the-road people.

It's important for us — we've made a calculation to push back on misinformation. You're right. But that's one of the reasons, as Dr. Murthy was conveying, we have empowered, engaged, funded local voices, because they are often the most trusted voices — doctors, medical experts, clergy — you know, people who are members of — civic leaders in communities.

That's where we are putting most of our resources, even as we are working to combat misinformation that's traveling online or traveling, unfortunately, out of the mouth of elected officials from time to time.

Go ahead.

Q Just want to follow up on the ransomware —

Exhibit 10

CONFRONTING HEALTH MISINFORMATION

*The U.S. Surgeon General's Advisory on
Building a Healthy Information Environment*

2021

I am urging all Americans to help slow the spread of health misinformation during the COVID-19 pandemic and beyond. Health misinformation is a serious threat to public health. It can cause confusion, sow mistrust, harm people's health, and undermine public health efforts. Limiting the spread of health misinformation is a moral and civic imperative that will require a whole-of-society effort.



Vivek H. Murthy, M.D., M.B.A.
Vice Admiral, U.S. Public Health Service
Surgeon General of the United States



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ABOUT THE ADVISORY

A Surgeon General's Advisory is a public statement that calls the American people's attention to a public health issue and provides recommendations for how that issue should be addressed. Advisories are reserved for significant public health challenges that need the American people's immediate awareness. For additional background, visit SurgeonGeneral.gov.

BACKGROUND

During the COVID-19 pandemic, people have been exposed to a great deal of information: news, public health guidance, fact sheets, infographics, research, opinions, rumors, myths, falsehoods, and more. The World Health Organization and the United Nations have characterized this unprecedented spread of information as an “infodemic.”¹

While information has helped people stay safe throughout the pandemic, it has at times led to confusion. For example, scientific knowledge about COVID-19 has evolved rapidly over the past year, sometimes leading to changes in public health recommendations. Updating assessments and recommendations based on new evidence is an essential part of the scientific process, and further changes are to be expected as we continue learning more about COVID-19.² But without sufficient communication that provides clarity and context, many people have had trouble figuring out what to believe, which sources to trust, and how to keep up with changing knowledge and guidance.^{3, 4, 5}

Amid all this information, many people have also been exposed to health misinformation: information that is false, inaccurate, or misleading according to the best available evidence at the time.^{6, 7, 8 *} Misinformation has caused confusion and led people to decline COVID-19 vaccines, reject public health measures such as masking and physical distancing, and use unproven treatments.^{5, 9, 10} For example, a recent study showed that even brief exposure to COVID-19 vaccine misinformation made people less likely to want a COVID-19 vaccine.¹¹ Misinformation has also led to harassment of and violence against public health workers, health professionals, airline staff, and other frontline workers tasked with communicating evolving public health measures.^{12, 13}

Misinformation can sometimes be spread intentionally to serve a malicious purpose, such as to trick people into believing something for financial gain or political advantage. This is usually called “disinformation.”^{14, 15} But many people who share misinformation aren’t trying to misinform. Instead, they may be raising a concern, making sense of conflicting information, or seeking answers to honest questions.¹⁶

Health misinformation is not a recent phenomenon. In the late 1990s, a poorly designed study, later retracted, falsely claimed that the measles, mumps, rubella (MMR) vaccine causes autism.¹⁷ Even after the retraction, the claim gained some traction and contributed to lower immunization rates over the next twenty years.¹⁸ Just since 2017, we have seen measles outbreaks in Washington State, Minnesota, New York City, and other areas.^{19, 20, 21} Health misinformation is also a global problem. In South Africa, for example, “AIDS denialism”—a false belief denying that HIV causes AIDS—was adopted at the highest levels of the national government, reducing access to effective treatment and contributing to more than 330,000 deaths between 2000 and 2005.²² Health misinformation has also reduced the willingness of people to seek effective treatment for cancer, heart disease, and other conditions.^{1, 23, 24, 25}

* This advisory focuses on health information specifically, not other kinds of misinformation. Defining misinformation is a challenging task, and any definition has limitations. See References for further discussion of the definition used in this Advisory, including the benchmark of ‘best available evidence at the time.’

In recent years, the rapidly changing information environment has made it easier for misinformation to spread at unprecedented speed and scale, especially on social media and online retail sites, as well as via search engines.^{26, 27} Misinformation tends to spread quickly on these platforms for several reasons.

First, misinformation is often framed in a sensational and emotional manner that can connect viscerally, distort memory, align with cognitive biases, and heighten psychological responses such as anxiety.^{28, 29, 30} People can feel a sense of urgency to react to and share emotionally charged misinformation with others, enabling it to spread quickly and go “viral.”^{24, 31}

In recent years, the rapidly changing information environment has made it easier for misinformation to spread at unprecedented speed and scale.

Second, product features built into technology platforms have contributed to the spread of misinformation. For example, social media platforms incentivize people to share content to get likes, comments, and other positive signals of engagement.³² These features help connect and inform people but reward engagement rather than accuracy, allowing emotionally charged misinformation to spread more easily than emotionally neutral content.³³ One study found that false news stories were 70 percent more likely to be shared on social media than true stories.³¹

Third, algorithms that determine what users see online often prioritize content based on its popularity or similarity to previously seen content. As a result, a user exposed to misinformation once could see more and more of it over time, further reinforcing one’s misunderstanding.³⁴ Some websites also combine different kinds of information, such as news, ads, and posts from users, into a single feed, which can leave consumers confused about the underlying source of any given piece of content.³⁵

The growing number of places people go to for information—such as smaller outlets and online forums—has also made misinformation harder to find and correct.³⁶ And, although media outlets can help inform and educate consumers, they can sometimes inadvertently amplify false or misleading narratives.^{37, 38}

Misinformation also thrives in the absence of easily accessible, credible information.^{39, 40} When people look for information online and see limited or contradictory search results, they may be left confused or misinformed.

More broadly, misinformation tends to flourish in environments of significant societal division, animosity, and distrust. For example, distrust of the health care system due to experiences with racism and other inequities may make it easier for misinformation to spread in some communities.⁴¹ Growing polarization, including in the political sphere, may also contribute to the spread of misinformation.^{42, 43}

Additional research is needed to better understand how people are exposed to and affected by misinformation and how this may vary across subpopulations based on factors such as race, ethnicity, socioeconomic status, education, age, sexual orientation, gender identity, cultural and religious practices, hobbies and interests, and personal networks.⁴⁴

WE CAN TAKE ACTION

WHAT TECHNOLOGY PLATFORMS CAN DO

Assess the benefits and harms of products and platforms and take responsibility for addressing the harms. In particular, make meaningful long-term investments to address misinformation, including product changes. Redesign recommendation algorithms to avoid amplifying misinformation, build in “frictions”—such as suggestions and warnings—to reduce the sharing of misinformation, and make it easier for users to report misinformation.

Give researchers access to useful data to properly analyze the spread and impact of misinformation. Researchers need data on what people see and hear, not just what they engage with, and what content is moderated (e.g., labeled, removed, downranked), including data on automated accounts that spread misinformation. To protect user privacy, data can be anonymized and provided with user consent.

Strengthen the monitoring of misinformation. Platforms should increase staffing of multilingual content moderation teams and improve the effectiveness of machine learning algorithms in languages other than English since non-English-language misinformation continues to proliferate.⁶¹ Platforms should also address misinformation in live streams, which are more difficult to moderate due to their temporary nature and use of audio and video.

Prioritize early detection of misinformation "super-spreaders" and repeat offenders. Impose clear consequences for accounts that repeatedly violate platform policies.

Evaluate the effectiveness of internal policies and practices in addressing misinformation and be transparent with findings. Publish standardized measures of how often users are exposed to misinformation and through what channels, what kinds of misinformation are most prevalent, and what share of misinformation is addressed in a timely manner. Communicate why certain content is flagged, removed, downranked, or left alone. Work to understand potential unintended consequences of content moderation, such as migration of users to less-moderated platforms.

Proactively address information deficits. An information deficit occurs when there is high public interest in a topic but limited quality information available. Provide information from trusted and credible sources to prevent misconceptions from taking hold.⁴⁰

Amplify communications from trusted messengers and subject matter experts. For example, work with health and medical professionals to reach target audiences. Direct users to a broader range of credible sources, including community organizations. It can be particularly helpful to connect people to local trusted leaders who provide accurate information.

Prioritize protecting health professionals, journalists, and others from online harassment, including harassment resulting from people believing in misinformation.

Exhibit 11

Congress of the United States
Washington, DC 20515

September 1, 2022

Mr. Mark Zuckerberg
Chief Executive Officer
Meta Platforms, Inc.
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

Shortly before the 2020 presidential election, Facebook suppressed an explosive *New York Post* article detailing how Hunter Biden used the position and influence of his father, now-President Biden, for personal gain, with the apparent awareness of President Biden. We wrote to Facebook at the time with important questions about Facebook's knowing suppression of First Amendment-protected activity.¹ In March 2022, after other outlets finally acknowledged the veracity of the Biden family's influence-peddling scheme, we wrote again with additional questions about Facebook's actions to suppress critical election-related information.² Facebook has never provided complete responses to these letters and, in the months since, has avoided any real accountability for its actions in interfering with election-related public discourse.

Recently, you described how Facebook's censorship of the allegations about the Biden family before the 2020 election followed a message from the Federal Bureau of Investigation that Facebook "should be on high alert" for "Russian propaganda."³ You acknowledged that this official alert from the FBI is what led to Facebook reducing the circulation of the *Post*'s reporting on its platform, preventing Americans from fully understanding highly relevant allegations about President Biden's awareness of and involvement in his family's influence-peddling scheme.⁴ Accordingly, we write to request additional information about Facebook's actions to interfere in free and fair election-related public discourse.

¹ Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Mr. Mark Zuckerberg, CEO, Facebook, Inc. (Oct. 14, 2020).

² Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, et al., to Mr. Mark Zuckerberg, CEO, Facebook, Inc. (March 31, 2022).

³ See, e.g., Victor Morton, *Mark Zuckerberg: Facebook suppressed Hunter Biden laptop story per FBI general request*, WASH. TIMES (Aug. 25, 2022).

⁴ *Id.*

Mr. Mark Zuckerberg
September 1, 2022
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We have seen in recent months how some in government have sought to use Big Tech to censor divergent viewpoints and silence opposing political speech.⁵ Government-driven and Big Tech-implemented censorship suppresses freedom of speech and free thought online in ways that harm public discourse. Facebook's suppression of the *Post* article—and allegations of Biden family corruption highly relevant to the 2020 presidential election—following guidance from the FBI is highly troubling.

For these reasons, we request—in addition to responses to all outstanding requests from our October 14, 2020, and March 31, 2022, letters—that you produce the following documents and information:

1. All documents and communications between October 1, 2020, and the present, between or among any employee or contractor of Facebook and any individual affiliated with the FBI referring or relating to the *New York Post*'s reporting about the Biden family.
2. All documents and communications between October 1, 2020, and the present, between or among any employee or contractor of Facebook and any individual affiliated with the Biden for President campaign or the Democratic National Committee referring or relating to the *New York Post*'s reporting about the Biden family.
3. All documents and communications between October 1, 2020, and the present, between or among any employee or contractor of Facebook and any individual affiliated with the FBI referring or relating to purported election misinformation in the 2020 presidential election.
4. All documents and communications between October 1, 2020, and the present, referring or relating to Facebook's plans to implement, or its actions based on, the FBI's message to be "on high alert" for election misinformation.

Please produce all documents and information requested above as soon as possible but no later than 5:00 p.m. on September 15, 2022. Furthermore, this letter serves as a formal request to preserve all existing and future records and materials relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

⁵ See, e.g., Letter from Representatives Jim Jordan, Mike Johnson, & Dan Bishop, to Mr. Mark Zuckerberg, CEO, Facebook, Inc. (July 22, 2021); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, & James Comer, Ranking Member, H. Comm. on Oversight and Reform, to Mr. Mark Zuckerberg, CEO, Facebook, Inc. (June 9, 2021); Vivek Ramaswamy & Jed Rubenfeld, *Twitter Becomes a Tool of Government Censorship*, WALL ST. J. (Aug. 17, 2022).

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September 1, 2022
Page 3

Thank you for your prompt attention to this matter.

Sincerely,



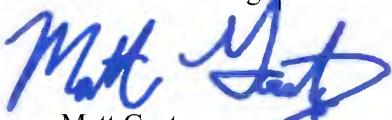
Jim Jordan
Ranking Member
Committee on the Judiciary



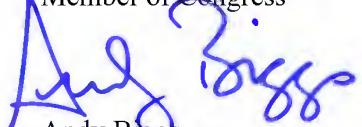
Steve Chabot
Member of Congress



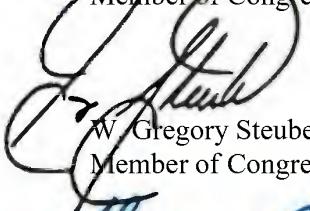
Darrell Issa
Member of Congress



Matt Gaetz
Member of Congress



Andy Biggs
Member of Congress



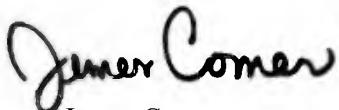
W. Gregory Steube
Member of Congress



Thomas Massie
Member of Congress



Dan Bishop
Member of Congress



James Comer
Ranking Member
Committee on Oversight and Reform



Louie Gohmert
Member of Congress



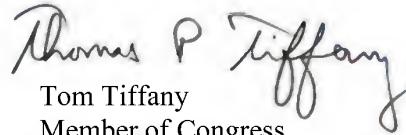
Ken Buck
Member of Congress



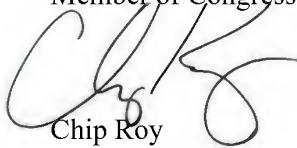
Mike Johnson
Member of Congress



Tom McClinton
Member of Congress



Tom Tiffany
Member of Congress

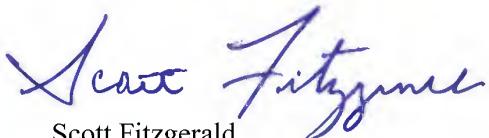


Chip Roy
Member of Congress



Michelle Fischbach
Member of Congress

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Scott Fitzgerald
Member of Congress



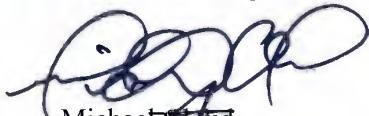
Cliff Bentz
Member of Congress



Jody Hice
Member of Congress



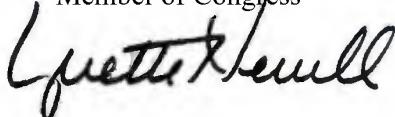
Glenn S. Grothman
Member of Congress



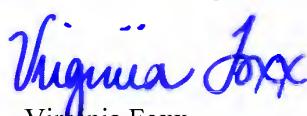
Michael Cloud
Member of Congress



Nancy Mace
Member of Congress



Yvette Herrell
Member of Congress



Virginia Foxx
Member of Congress



Bob Gibbs
Member of Congress



Clay Higgins
Member of Congress



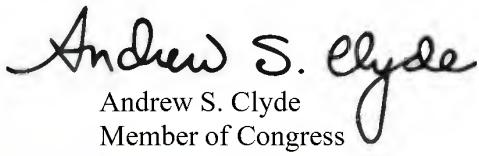
Ralph Norman
Member of Congress



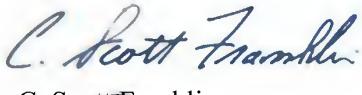
Pete Sessions
Member of Congress



Fred Keller
Member of Congress



Andrew S. Clyde
Member of Congress



C. Scott Franklin
Member of Congress



Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress



Byron Donalds
Member of Congress

Mr. Mark Zuckerberg

September 1, 2022

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Mike Flood
Member of Congress

cc: The Honorable Jerrold L. Nadler, Chairman, Committee on the Judiciary
The Honorable Carolyn B. Maloney, Chairwoman, Committee on Oversight and Reform

Exhibit 12

United States Senate
WASHINGTON, DC 20510

June 7, 2022

VIA ELECTRONIC TRANSMISSION

The Honorable Alejandro N. Mayorkas
Secretary
U.S. Department of Homeland Security

Dear Secretary Mayorkas:

Department of Homeland Security (DHS) information obtained by our offices through protected whistleblower disclosures raises serious concerns about DHS's recently-paused Disinformation Governance Board (DGB) and the role the DGB was designed to play in DHS counter disinformation efforts. Documents show that, contrary to your May 4, 2022, testimony before the Senate Committee on Homeland Security and Governmental Affairs, the DGB was established to serve as much more than a simple "working group" to "develop guidelines, standards, [and] guardrails" for protecting civil rights and civil liberties.¹ In fact, DHS documents show that the DGB was designed to be the Department's central hub, clearinghouse and gatekeeper for Administration policy and response to whatever it happened to decide was "disinformation."

Specifically, documents describe a prominent DGB designed to "serve as the departmental forum for governance of DHS policies, plans, procedures, standards, and activities" pertaining to what the government refers to as "mis-, dis-, and mal- information," or "MDM," "that threatens homeland security" as well as the Department's internal and external point of contact for coordination with state and local partners, non-governmental actors, and the private sector.² Internal DHS memoranda also show that in practice, the DGB was expected to function as a "coordination and deconfliction mechanism... conven[ing] to discuss threats, assessments, response actions, and engagements as often as warranted."³ According to the DGB's charter,

¹ Resources and Authorities Needed to Protect and Secure the Homeland: Hearing before the Senate Committee on Homeland Security and Governmental Affairs, 117th Congress (May 4, 2022).

² DHS Disinformation Governance Board Charter (February 24, 2022); The Cybersecurity & Infrastructure Security Agency (CISA), one of nine DHS components with representation on the DGB, defines misinformation as "false, but not created or shared with the intention of causing harm." CISA defines disinformation as "deliberately created to mislead, harm, or manipulate a person, social group, organization, or country," and it defines malinformation as "based on fact, but used out of context to mislead, harm, or manipulate." Cybersecurity & Infrastructure Agency, "MIS, DIS, MALINFORMATION", available at <https://www.cisa.gov/mdi>.

³ "Ukraine MDM Playbook Version 12, as of 2/14/2022" at 2. See also DHS Disinformation Governance Board Charter (February 24, 2022).

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 June 7, 2022
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“DHS-wide or Component specific proposals for funding related to efforts to counter MDM” were also required to be “appropriately coordinated with the Board, including in advance of submitting any final funding proposals.”⁴

While DHS components apparently have established methods for defining and analyzing disinformation, and would continue to carry out all of their normal operational functions under a DGB, it appears that the DGB was equipped to review evidence presented by representatives of the various components and guide DHS counter disinformation efforts.⁵ A September 13, 2021, memo prepared in part by Robert Silvers, Under Secretary for Strategy, Policy, and Plans and, according to whistleblower allegations, one of two intended co-chairs of the DGB, outlined specific policy recommendations that should guide DHS efforts to counter disinformation.⁶ The memo states that DHS’s “role in responding to disinformation should be limited to areas where there are clear, objective facts.”⁷ It is unclear how DHS defines “clear, objective facts,” and it is unclear what safeguards, if any, DHS has put in place to ensure that individuals charged with determining which issue areas have “clear” and “objective facts” are not influenced by their own ideological and political beliefs. While the memo boldly asserts that the Department’s “counter-disinformation mission, including the choices as to what issue areas to focus on, must not be politicized and must be protected from perceptions of politicization,” some of the examples of disinformation given in the memo relate not only to foreign disinformation but issues that have been at the heart of domestic political discourse for the past several years.⁸ For instance, the memo refers to “[c]onspiracy theories about the validity and security of elections” and “[d]isinformation related to the origins and effects of COVID-19 vaccines or the efficacy of masks.”⁹

Given the significant coordinating role the Department envisioned for the DGB, the consequences of installing Nina Jankowicz, a known trafficker of foreign disinformation and liberal conspiracy theories, as the DGB’s first Executive Director, would have been a disaster. Jankowicz once asserted that the Hunter Biden laptop should be viewed as a “Trump campaign product.”¹⁰ Content on the Hunter Biden laptop has since been verified by multiple major news outlets.¹¹ In 2016, Jankowicz also sent out multiple tweets spreading the now-debunked claim

⁴ “DHS Disinformation Governance Board Charter” (February 24, 2022) at 4.

⁵ “DHS Disinformation Governance Board Charter” (February 24, 2022); *See also* “Ukraine MDM Playbook Version 12, as of 2/14/2022” at 2, 18.

⁶ “DHS Disinformation Governance Board Charter” (February 24, 2022); Memorandum from Robert Silvers, Under Secretary, Office of Strategy, Policy, and Plans, and Samantha Vinograd, Senior Counselor for National Security, Office of the Secretary, for the Secretary (September 13, 2021).

⁷ Memorandum from Robert Silvers, Under Secretary, Office of Strategy, Policy, and Plans, and Samantha Vinograd, Senior Counselor for National Security, Office of the Secretary, for the Secretary (September 13, 2021).

⁸ *Id.*

⁹ *Id.*

¹⁰ Callie Patteson, “Ex-Disinformation Board chief Nina Jankowicz breaks silence, cites death threats” (May 19, 2022), available at <https://nypost.com/2022/05/19/ex-disinformation-board-chief-nina-jankowicz-breaks-silence/>.

¹¹ Craig Timberg, Matt Viser, and Tom Hamburger, “Here’s how The Post analyzed Hunter Biden’s laptop,” *The Washington Post* (March 30, 2022), available at <https://www.washingtonpost.com/technology/2022/03/30/hunter-biden-laptop-analysis/>.

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that President Trump had a “secret server” to communicate with Kremlin-linked Alfa Bank.¹² In 2020, Jankowicz tweeted that a podcast by Christopher Steele, the author of the debunked Steele Dossier containing Russian disinformation, had provided “some great historical context about the evolution of disinfo.”¹³ So this begs the question, if the (former) Executive Director of the DGB is incapable of determining what is and is not disinformation, how could the DGB ever have expected to function properly under her leadership? We believe that Congress and the American people require full transparency regarding the DGB’s creation as well as the role Jankowicz would have played had she remained in her position at DHS. Toward that end, we are releasing documents we have collected during our investigation as an attachment to this letter.

Documents also suggest that the Department has been working on plans to “operationalize” its relationships with private social media companies to implement its public policy goals.¹⁴ For example, we obtained draft briefing notes prepared for a scheduled April 28, 2022, meeting between Robert Silvers and Twitter executives Nick Pickles, Head of Policy, and Yoel Roth, Head of Site Integrity. The notes are marked “TBC,” and it is unclear whether the scheduled meeting actually took place. The briefing notes frame the planned meeting between Silvers and the Twitter executives as “an opportunity to discuss operationalizing public-private partnerships between DHS and Twitter, as well as [to] inform Twitter executives about DHS work on MDM, including the creation of the Disinformation Governance Board and its analytic exchange...”¹⁵ According to whistleblower allegations, Nina Jankowicz may have been hired because of her relationship with executives at Twitter. Consistent with these allegations, Silvers’ briefing notes state that both Pickles and Roth know Jankowicz.¹⁶ A recent DHS strategy document further discusses efforts to “[e]mpower partners to mitigate MDM threats.”¹⁷ The document states that in certain cases, federal, state, local, tribal, and territorial or nongovernmental partners “may be better positioned to mitigate MDM Threats based on their capabilities and authorities.”¹⁸ DHS theorizes that “[b]y sharing information, DHS can empower these partners to mitigate threats such as providing information to technology companies enabling them to remove content at their discretion and consistent with their terms of service.”¹⁹

[biden-laptop-data-examined/](#); Katie Benner, Kenneth P Vogel and Michael S. Schmidt, “Hunter Biden Paid Tax Bill, but Broad Federal Investigation Continues,” *The New York Times* (March 16, 2022), available at <https://www.nytimes.com/2022/03/16/us/politics/hunter-biden-tax-bill-investigation.html>.

¹² Jankowicz, Nina [@wicispedia]. “Trump had not one, but two secret email servers to communicate w/ influential Russian bank. Unbelievable.” *Twitter* (November 1, 2016), available at <https://twitter.com/wicispedia/status/793329082167619584>; Jankowicz, Nina [@wicispedia]. “Husband texted me ‘you have news to wake up to.’ Never thought it would be this. Confirms our worst fears about Trump. I am horrified.” *Twitter* (November 1, 2016), <https://twitter.com/wicispedia/status/793322439505772544>.

¹³ Jankowicz, Nina [@wicispedia]. “Listened to this last night- Chris Steele (yes THAT Chris Steele) provides some great historical context about the evolution of disinfo. Worth a listen” *Twitter* (August 7, 2020), available at <https://twitter.com/wicispedia/status/1291692143262814209>.

¹⁴ Draft Briefing Notes, Twitter (April 28, 2022).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ “Ukraine MDM Playbook Version 12, as of 2/14/2022” at 17.

¹⁸ *Id.*

¹⁹ *Id.*

Secretary Mayorkas
June 7, 2022
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Collectively, whistleblower allegations and the documents we've reviewed raise concerns that DHS could be seeking an active role in coordinating the censorship of viewpoints that it determines, according to an unknown standard, to be "MDM" by enlisting the help of social media companies and big tech. The DGB's charter also specifically states that the DGB should "serv[e] as the Department's internal and external point of contact for coordination with state, local, tribal, and territorial partners, the private sector, and nongovernmental actors regarding MDM."²⁰

The First Amendment of the Constitution was designed precisely so that the government could not censor opposing viewpoints – even if those viewpoints were false. DHS should not in any way seek to enlist the private sector to curb or silence opposing viewpoints. It is therefore imperative for DHS to provide additional clarity regarding its policies and procedures for identifying and addressing "MDM," as well as its efforts to "operationalize" public-private partnerships and the steps it is taking to ensure that it does not infringe on the constitutional rights of American citizens.

In order for us to better understand the role of the DGB and DHS's efforts to counter disinformation, we ask that you respond to the following no later than June 21, 2022.

1. Has DHS at any point in time asked or suggested to Twitter, Facebook, TikTok, or any other social media executives that they should censor, flag, add context to, or remove any social media posts that it believes to be disinformation?
2. Has DHS at any point in time asked or suggested to Twitter, Facebook, TikTok, or any other social media executives that they suspend or ban the account(s) of individuals believed to be promoting information it believes to be disinformation?
3. Please provide all documents, including all written and electronic communications, memoranda, and organizational documents, related to the DGB from the point that DHS first considered establishing a DGB until the present.
4. Please provide all documents, including all written and electronic communications and memoranda, related to Nina Jankowicz's selection as Executive Director of the DGB.
5. Please explain why, in your public statements and testimony before Congress, you have not fully explained the key role that the DGB was designed to play in coordinating among DHS components and engaging the assistance of the private sector.

²⁰ "DHS Disinformation Governance Board Charter" (February 24, 2022) at 3.

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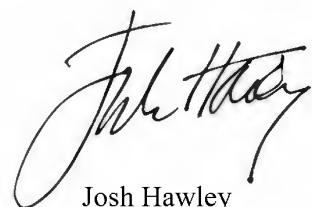
6. Please explain how DHS defines “MDM” and how DHS decides whether a given news story or other piece of information fits its definition of “MDM.” Please identify who exactly is ultimately responsible for making this determination.
7. Please explain the criteria DHS uses when deciding whether to spend taxpayer resources addressing a particular news item or narrative that it has classified as “MDM.”
8. Please describe all safeguards that DHS has put in place to ensure that its efforts to counter the spread of disinformation do not infringe on Americans’ constitutional right to free speech.
9. Did DHS Under Secretary for the Office of Strategy, Policy, and Plans Robert Silvers meet with Twitter executives on April 28, 2022? If so, please provide a summary of topics discussed during the meeting.
10. Please define what DHS means by the phrase, “operationalizing public-private partnerships.”

Thank you for your prompt attention to this important matter.

Sincerely,



Charles E. Grassley
U.S. Senator



Josh Hawley
U.S. Senator

Enclosures.

Exhibit 13

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NEWS

High resolution image of the AGO Seal: [CLICK HERE](https://ago.mo.gov/docs/default-source/press-releases/ag-seal.png?sfvrsn=bcbd2c7d_2) (https://ago.mo.gov/docs/default-source/press-releases/ag-seal.png?sfvrsn=bcbd2c7d_2)(PNG) or [CLICK HERE](https://ago.mo.gov/docs/default-source/press-releases/ag-seal391289a352bb4a95964dd2b70ec78489.ai?sfvrsn=34652944_2&download=true) (https://ago.mo.gov/docs/default-source/press-releases/ag-seal391289a352bb4a95964dd2b70ec78489.ai?sfvrsn=34652944_2&download=true)(AI)

High resolution image of Attorney General Schmitt: [CLICK HERE](https://ago.mo.gov/docs/default-source/press-releases/schmitt-headshot-main.jpg?sfvrsn=82acee8_2) (https://ago.mo.gov/docs/default-source/press-releases/schmitt-headshot-main.jpg?sfvrsn=82acee8_2)

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Missouri and Louisiana Attorneys General Ask Court to Compel Department of Justice to Produce Communications Between Top Officials and Social Media Companies

Sep 1, 2022, 09:22 AM by AG Schmitt

JEFFERSON CITY, Mo. – Yesterday, Missouri Attorney General Eric Schmitt and Louisiana Attorney General Jeff Landry filed a Joint Statement on Discovery Disputes, asking the Louisiana District Court to compel the Department of Justice to turn over communications between high-ranking Biden Administration officials from the White House, Department of State, FBI and others and major social media companies. The Department of Justice has already turned over communications between a number of federal officials and social media companies but has refused to provide communications between top-ranking officials and social media companies.

“Missouri and Louisiana filed a landmark lawsuit back in May that seeks to expose how top Biden Administration officials allegedly colluded with social media companies to censor freedom of speech on a number of topics, including COVID-19. We won in court in July, and the Court required the Biden Administration to turn over communications between federal officials and social media companies,” said **Attorney General Schmitt**. “We have already received a number of documents that clearly prove that the federal government has an incestuous relationship with social media companies and clearly coordinate to censor freedom of speech, but we’re not done. The Department of Justice is cowering behind executive privilege and has refused to turn over communications between the highest-ranking Biden Administration officials and social media companies. That’s why, yesterday, we asked the Court to compel the Department of Justice to produce those records. We’re just getting started – stay tuned.”

The communications already provided by the Department of Justice to the plaintiff states show, as the joint statement points out, a vast “Censorship Enterprise” across a multitude of federal agencies. In response to Missouri and Louisiana’s interrogatories, defendants identified **45 federal officials** at DHS, CISA, the CDC, NIAID, and the Office of the Surgeon General (all of which are contained in either DHS or HHS) that communicate with social media platforms about “misinformation” and censorship. The joint statement points out, “But in those responses,

Defendants did not provide information about any federal officials at other federal agencies of whom they are aware who engage in such communications with social-media platforms about misinformation and censorship, though Plaintiffs had specifically asked for this highly relevant information. Defendants' document production, however, reveals that such officials at other federal agencies exist—for example, their emails include extensive copying of officials at the Census Bureau, and they also include communications involving the Departments of Treasury and State."

Beyond the Department of Justice's production, "Meta, for example, has disclosed that at least 32 federal officials—including senior officials at the FDA, the U.S. Election Assistance Commission, and the White House—have communicated with Meta about content moderation on its platforms, many of whom were not disclosed in response to Plaintiffs' interrogatories to Defendants. YouTube disclosed eleven federal officials engaged in such communications, including officials at the Census Bureau and the White House, many of whom were also not disclosed by Defendants."

The joint statement continues, "The discovery provided so far demonstrates that this Censorship Enterprise is extremely broad, including officials in the White House, HHS, DHS, CISA, the CDC, NIAID, and the Office of the Surgeon General; and evidently other agencies as well, such as the Census Bureau, the FDA, the FBI, the State Department, the Treasury Department, and the U.S. Election Assistance Commission. And it rises to the highest levels of the U.S. Government, including numerous White House officials. Defendants have objected to producing some of the most relevant and probative information in their possession."

This "Censorship Enterprise" is proven by the Department of Justice's productions thus far, but the full extent of federal officials' collusion with social media companies on censorship is unknown until the Department of Justice produces further communications requested by Missouri and Louisiana.

A senior Facebook official sent an email to the Surgeon General stating, "I know our teams met today to better understand the scope of what the White House expects from us on misinformation going forward." This email chain follows the SG's "misinformation health advisory" in July 2021: https://ago.mo.gov/docs/default-source/press-releases/free-speech-pitch-thread-docs/hhs-fb-email-1.pdf?sfvrsn=53bc4454_2
([https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=0c81911a57&e=c75a73f5fb__;!!EErPFA7f--AJow!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGE3PgSVHs\\$](https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=0c81911a57&e=c75a73f5fb__;!!EErPFA7f--AJow!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGE3PgSVHs$))

The same senior official sent a later email to HHS and noted, "Thanks again for taking the time to meet earlier today." Then, the official continued to discuss how Facebook is taking even more steps to censor freedom of speech: https://ago.mo.gov/docs/default-source/press-releases/free-speech-pitch-thread-docs/hhs-fb-exhibit.pdf?sfvrsn=55bd83df_2 ([https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=378821c581&e=c75a73f5fb__;!!EErPFA7f--AJow!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGETVYa6Z4\\$](https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=378821c581&e=c75a73f5fb__;!!EErPFA7f--AJow!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGETVYa6Z4$))

Twitter scheduled a meeting to debrief top White House officials on "vaccine misinformation.": https://ago.mo.gov/docs/default-source/press-releases/free-speech-pitch-thread-docs/twitter-vaccine-meeting-wh.pdf?sfvrsn=6599e359_2b
([https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=7e40509594&e=c75a73f5fb__;!!EErPFA7f--AJow!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGETq3aAzw\\$](https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=7e40509594&e=c75a73f5fb__;!!EErPFA7f--AJow!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGETq3aAzw$))

There are several instances where Facebook wouldn't proceed with censoring freedom of speech on their platform until they had input, or a "debunking" from the CDC. Twitter followed the same course in at least one email.

- Example 1: https://ago.mo.gov/docs/default-source/press-releases/free-speech-pitch-thread-docs/fb-cdc-child-vaccine.pdf?sfvrsn=2f8960de_2 ([https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=af7260467a&e=c75a73f5fb__;!!EErPFA7f--AJOw!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGEHz6vVc\\$](https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=af7260467a&e=c75a73f5fb__;!!EErPFA7f--AJOw!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGEHz6vVc$))
- Example 2: https://ago.mo.gov/docs/default-source/press-releases/free-speech-pitch-thread-docs/fb-cdc-omicron.pdf?sfvrsn=78eb53ec_2 ([https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=38bf0195c3&e=c75a73f5fb__;!!EErPFA7f--AJOw!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGEBRUppkM\\$](https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=38bf0195c3&e=c75a73f5fb__;!!EErPFA7f--AJOw!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGEBRUppkM$))
- Twitter example: https://ago.mo.gov/docs/default-source/press-releases/free-speech-pitch-thread-docs/twitter--cdc-action.pdf?sfvrsn=12c0dc46_2 ([https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=dde1c39172&e=c75a73f5fb__;!!EErPFA7f--AJOw!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGE5sd8Gws\\$](https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=dde1c39172&e=c75a73f5fb__;!!EErPFA7f--AJOw!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGE5sd8Gws$))

The CDC also proposed a monthly pre-debunking meeting with Facebook to help them censor free speech (https://ago.mo.gov/docs/default-source/press-releases/free-speech-pitch-thread-docs/cdc-fb-monthly-debunk.pdf?sfvrsn=3508a21f_2 ([https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=92d544dd19&e=c75a73f5fb__;!!EErPFA7f--AJOw!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGE7Os1gGs\\$](https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=92d544dd19&e=c75a73f5fb__;!!EErPFA7f--AJOw!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGE7Os1gGs$))) as well as regular "Be on the Lookout" calls with major social media outlets: https://ago.mo.gov/docs/default-source/press-releases/free-speech-pitch-thread-docs/cdc-bolo-meeting.pdf?sfvrsn=9a060658_2 ([https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=7b0da9d222&e=c75a73f5fb__;!!EErPFA7f--AJOw!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGEHOj8dtA\\$](https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=7b0da9d222&e=c75a73f5fb__;!!EErPFA7f--AJOw!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGEHOj8dtA$))

A White House official was even concerned about parody Fauci accounts and coordinated with FB to take them down: https://ago.mo.gov/docs/default-source/press-releases/free-speech-pitch-thread-docs/fake-fauci.pdf?sfvrsn=a9d8f2bf_2 ([https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=815e1b5e0c&e=c75a73f5fb__;!!EErPFA7f--AJOw!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGEtrGE9qk\\$](https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=815e1b5e0c&e=c75a73f5fb__;!!EErPFA7f--AJOw!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGEtrGE9qk$))

The joint petition can be found here: https://ago.mo.gov/docs/default-source/press-releases/free-speech-pitch-thread-docs/doc-71---joint-statement-on-discovery-disputes.pdf?sfvrsn=3b968800_2 ([https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=2c95825c62&e=c75a73f5fb__;!!EErPFA7f--AJOw!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGEapOgsjw\\$](https://urldefense.com/v3/_https://ago.us20.list-manage.com/track/click?u=55bd24fd8f5e7d3dc227d1072&id=2c95825c62&e=c75a73f5fb__;!!EErPFA7f--AJOw!RqPj7LV4mhUOdIP081GsTlcLMpWtr27D2BNW9diEf4GY_nuYkLopdlU8imyjJuGEapOgsjw$))

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Exhibit 14

From: [REDACTED]@twitter.com]
Sent: 4/16/2021 8:35:22 AM
To: [REDACTED] (CDC/OD/OADC) [REDACTED@cdc.gov]
Subject: Re: Request for problem accounts

Hi [REDACTED] -

Thank you so much for this; we actioned (by labeling or removing) the Tweets in violation of our Rules.
Warmest,

On Wed, Apr 14, 2021 at 3:16 PM [REDACTED] (CDC/OD/OADC) <[REDACTED@cdc.gov]> wrote:

The Census team put this spreadsheet together with four example areas. Is this what you had in mind?

- Vaccines aren't FDA approved
- Fraudulent cures
- VAERS data taken out of context
- Infertility

From: [REDACTED] <[REDACTED@twitter.com]>
Sent: Thursday, April 8, 2021 8:27 PM
To: [REDACTED] (CDC/OD/OADC) <[REDACTED@cdc.gov]>
Subject: Request for problem accounts

Hi [REDACTED] -

I'm looking forward to setting up regular chats; my team has asked for examples of problematic content so we can examine trends. All examples of misinformation are helpful, but in particular, if you have any examples of fraud - such as fraudulent covid cures, fraudulent vaccine cards, etc, that would be very helpful.

Thanks in advance,

CAUTION: This message originated externally. Please use caution when clicking on links or opening attachments.

MOLA_DEFSPROD_00002805

From: Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov]
Sent: 4/16/2021 4:25:15 PM
To: Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov]; Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov]; [REDACTED]@twitter.com; [REDACTED]@twitter.com; [REDACTED]@twitter.com; [REDACTED]@twitter.com; [REDACTED]@hhs.gov)
CC: Fitzpatrick, Kelsey V. EOP/WHO [REDACTED]@who.eop.gov); [REDACTED]@hhs.gov) (HHS/OASH)
[REDACTED]@hhs.gov]

Subject: Twitter Vaccine Misinfo Briefing

Location: [REDACTED]

Start: 4/21/2021 2:00:00 PM

End: 4/21/2021 3:00:00 PM

Show Time As: Tentative

Recurrence: (none)

White House Staff will be briefed by Twitter on vaccine misinfo. Twitter to cover trends seen generally around vaccine misinformation, the tangible effects seen from recent policy changes, what interventions are currently being implemented in addition to previous policy changes, and ways the White House (and our COVID experts) can partner in product work.

[The linked im...]

Hi there,

[REDACTED] is inviting you to a scheduled ZoomGov meeting.

Join Zoom Meeting

Phone US: [REDACTED] or
 one-tap: [REDACTED]
 Meeting [REDACTED]
 URL: [REDACTED]
 Meeting ID: [REDACTED]
 Passcode: [REDACTED]

Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

US: [REDACTED]

From: [REDACTED] [REDACTED]@fb.com]
Sent: 7/19/2021 1:34:04 PM
To: [REDACTED] (HHS/OASH) [REDACTED]@hhs.gov]
CC: [REDACTED]@fb.com], [REDACTED] (HHS/OASH) [REDACTED]@hhs.gov; [REDACTED] (HHS/OASH)
[REDACTED]@hhs.gov], [REDACTED]@fb.com]; [REDACTED]@fb.com]
Subject: Re: Message from [REDACTED]

Hi [REDACTED]

Thanks so much for getting back to me – really appreciate that.

Adding [REDACTED] and [REDACTED] here to liaise with your office to find a time asap which is convenient for you – I'm in Spain right now but hopefully time differences can be navigated so that we speak soon enough.

All best

[REDACTED]

From: " [REDACTED] (HHS/OASH)" <[REDACTED]@hhs.gov>
Date: Monday, July 19, 2021 at 3:29 PM
To: [REDACTED] <[REDACTED]@fb.com>
Cc: [REDACTED] <[REDACTED]@fb.com>, " [REDACTED] (HHS/OASH)" <[REDACTED]@hhs.gov>, [REDACTED] (HHS/OASH) <[REDACTED]@hhs.gov>
Subject: Re: Message from [REDACTED]

Hi [REDACTED]

Thanks for reaching out and for sharing your concerns. I know the last few days have been challenging. I'd be happy to speak directly about how we move forward. Let me know the best way to schedule some time later this week and we'll make it happen.

Best wishes and will talk soon,

--
[REDACTED]
U.S. Surgeon General
Vice Admiral, U.S. Public Health Service

The information in this e-mail and its attachments are confidential, pre-decisional and deliberative. Contents may include sensitive information and are for official use only. If you are not the original intended recipient, please delete the content and notify the sender.

From: [REDACTED] <[REDACTED]@fb.com>
Sent: Friday, July 16, 2021 5:43 PM
To: [REDACTED] (HHS/OASH) <[REDACTED]@hhs.gov>
Cc: [REDACTED] <[REDACTED]@fb.com>
Subject: Message from [REDACTED]

Dear [REDACTED]

MOLA_DEFSPROD_00006848

Reaching out after what has transpired over the past few days following the publication of the misinformation advisory, and culminating today in the President's remarks about us. I know our teams met today to better understand the scope of what the White House expects from us on misinformation going forward.

In our previous conversations I've appreciated the way you and your team have approached our engagement, and we have worked hard to meet the moment — we've dedicated enormous time and resources to fighting this pandemic and consider ourselves to be partners in fighting the same battle. Certainly we understand (and have understood for some time) that there is disagreement on some of the policies governing our approach and how they are being enforced — even as your team has acknowledged the unprecedented scale of our efforts to provide authoritative information to millions of Americans and to help them get vaccinated. But I thought the way we were singled out over the past few days has been both surprising and misleading, and I believe unproductive to our joint efforts too.

I would appreciate the opportunity to speak directly to discuss a path forward with you and how we can continue to work toward what I sincerely believe are shared goals.

Yours



MOLA_DEFSPROD_00006849

From: [REDACTED]@fb.com]
Sent: 5/28/2021 5:48:14 PM
To: [REDACTED] EOP/WHO [REDACTED]@who.eop.gov]; [REDACTED] HHS/OASH)
CC: [REDACTED] @hhs.gov]
Subject: Message from [REDACTED]
Attachments: 5_28 - COVID-19 Insights.pdf

Dear [REDACTED] dear [REDACTED] (if I may),

Thanks again for the time the other day.

As promised, I'm sending our latest report that includes topline performing posts for the weeks of 5/3-5/9 and 5/9-5/15. Report is attached, and myself and the team are of course happy to discuss anything within.

I also want to highlight a few policy updates we announced yesterday regarding repeat misinformation. The full Newsroom post with product mock ups is available [here](#), but I wanted to call out a few key points:

1. We've added more context about Pages that repeatedly share false claims;
2. We are expanding penalties for individual Facebook accounts that share misinformation; and
3. We've redesigned notifications when they share content that a fact-checker later rates.

Finally, I wanted to include here the data I mentioned on our call earlier that point to the positive (if not as publicly discussed) influence we're having on attitudes toward vaccines:

Overall trends in vaccine acceptance amongst Facebook users are positive: this has increased considerably since January, and racial/ethnic disparities have also decreased.

Since January, vaccine acceptance in the US from a daily survey of Facebook users (done in partnership with CMU) has *increased* by 10-15 percentage points (e.g. 70 %-> 80-85%), and racial/ethnic disparities in acceptance have shrunk considerably (e.g. some of the populations that had the lowest acceptance in January had the highest increases since).

Not only are the overall trends increasing, we also have data showing our efforts are contributing: including some of our specific collaborations with HHS/CDC and work around trusted messengers and messaging.

Over the same time period, we've been working closely with partners to run the largest scale on line campaign in support of vaccination efforts. We've delivered over 10B ad impressions from health partners worldwide since January, and have also run significant on-platform product promotions. These have been focused on 3 goals: i) increase access to vaccines; ii) help people get questions answered; iii) socially normalize the vaccine.

Early evidence that these are increasing drivers of vaccination, at scale, include:

- **Social Norming: 50 percent of Facebook users have seen someone they follow (e.g. friend, family member, community leader, public figure) use an HHS/CDC vaccine frame.** Research from MIT shows that similar types of social normalization efforts can meaningfully improve people's likelihood to get vaccinated, which is consistent with other [expert advice](#) (e.g. "Encouraging those who are vaccinated to show their vaccination status with pride, both online and offline, can nudge their family, friends and networks to follow suit."). We are seeing some encouraging preliminary results in vaccine sentiment (the safety and importance of COVID-19 vaccines) in the US through our surveys as a result of vaccine profile frame promotions. As a result, we are scaling the launch of these features globally.
- **Access: Over 3M people have used our Vaccine Finder since March, developed in partnership with Boston Children's Hospital.** We've been promoting Vaccine Finder and eligibility information to all people on Facebook in close partnership with states, which are seeing impact. For example, West Virginia reported a meaningful increase in vaccine registrations after we started our efforts.
- **Education: A single "Facts about COVID19" News Feed campaign – that reached 100s of millions of people worldwide--increased belief in key facts about vaccine safety and testing by 3% across 5 countries.** We've directed 2B+

people to expert health resources through the Covid Info Center, which in the US includes information from local county-level public health departments. We observed a particularly large increase in vaccine acceptance within certain populations in the US. Vaccine acceptance increased 26% among Black adults and 14% among Hispanic adults.

- ***Equity: We're more frequently reaching people in areas with lower vaccination rates using CDC's Social Vulnerability Index.*** We are partnering with a wide range of organizations to deliver trusted, accessible messages; Spanish-language campaigns from AARP and Johns Hopkins University's Bloomberg School of Public Health; and CARE US for conservative audiences. Our work to promote information on how to get a vaccine to high-SVI zip codes increased confidence that people in those zipcodes have in being able to get a vaccine.

This builds on work—and uses similar strategies—to what we did over the last few years to support flu vaccination, mask wearing, blood donation, and voting, all of which also had meaningful population-level positive impact.

- ***Flu Vaccination:*** We employed similar strategies with partners around a major flu vaccination campaign last fall. These reached 10s of millions of people in the US; some of these campaigns increased perceived safety or intent by 3-5%.
- ***Mask Wearing:*** Social normalization campaigns reaching millions of people featuring trusted public figures increased mask wearing behavior and attitudes by 3-8%. This included the "You Will See Me" campaign from CDC Foundation/Ad Council. Note that mask wearing attitudes and reported behaviors increased dramatically since early spring 2020, and by summer the vast majority of all people in the US reported wearing masks, a trend mirrored in CMU's large-scale survey of Facebook users.
- ***Blood Donations:*** Our blood donations product—which notifies people nearby about opportunities to donate blood, and makes it easy for them to find a schedule an appointment—increased first time donors across the US by 19% when we rolled it out across sites from the American Red Cross, Vitalant, Versiti, and New York Blood Centers.

We think there's considerably more we can do in partnership with you and your teams to drive behavior. We're also committed to addressing the defensive work around misinformation that you've called on us to address. But we don't want to miss the full story of Facebook's impact on attitudes toward vaccine acceptance—we believe our work is paying real dividends in the form of more people getting shots, and we believe data bears this out. We're eager to find additional ways to partner with you.

All my best wishes,



[REDACTED] – let me know if it makes sense to sync on next steps? Would love to move forward with the meetings we identified as next steps as soon as your team is ready.

From: [REDACTED] <[REDACTED]@fb.com>
Date: Friday, July 23, 2021 at 11:20 PM
To: [REDACTED] <[REDACTED]@fb.com>, [REDACTED] (HHS/OASH) <[REDACTED]@hhs.gov>
Cc: [REDACTED] <[REDACTED]@fb.com>, [REDACTED] (HHS/OASH) <[REDACTED]@hhs.gov>
Subject: Re: Message from [REDACTED]

Including this week's updated report here. Look forward to scheduling our next working session. As always please let us know if you have any questions.

[REDACTED]

From: [REDACTED] <[REDACTED]@fb.com>
Date: Friday, July 23, 2021 at 7:29 PM
To: [REDACTED] (HHS/OASH) <[REDACTED]@hhs.gov>
Cc: [REDACTED] <[REDACTED]@fb.com>, [REDACTED] <[REDACTED]@fb.com>, [REDACTED] (HHS/OASH)
<[REDACTED]@hhs.gov>
Subject: Message from [REDACTED]

Dear [REDACTED] (if I may),

Thanks again for taking the time to meet earlier today. It was very helpful to take stock after the past week and hear directly from you and your team, and to establish our next steps.

We talked about the speed at which we are all having to iterate as the pandemic progresses. I wanted to make sure you saw the steps we took just this past week to adjust policies on what we are removing with respect to misinformation, as well as steps taken to further address the “disinfo dozen”: we removed 17 additional Pages, Groups, and Instagram accounts tied to the disinfo dozen (so a total of 39 Profiles, Pages, Groups, and IG accounts deleted thus far, resulting in every member of the disinfo dozen having had at least one such entity removed). We are also continuing to make 4 other Pages and Profiles, which have not yet met their removal thresholds, more difficult to find on our platform. We also expanded the group of false claims that we remove, to keep up with recent trends of misinformation that we are seeing.

We hear your call for us to do more and, as I said on the call, we're committed to working toward our shared goal of helping America get on top of this pandemic. We will reach out directly to [REDACTED] to schedule the deeper dive on how to best measure Covid related content and how to proceed with respect to the question around data. We'd also like to begin a regular cadence of meetings with your team so that we can continue to update you on our progress. You have identified 4 specific recommendations for improvement and we want to make sure to keep you informed of our work on each.

I want to again stress how critical it is that we establish criteria for measuring what's happening on an industry-wide basis, not least to reflect the way platforms are used interchangeably by users themselves. We believe that we have provided more transparency, both through CrowdTangle (the flaws of which we discussed in some detail) and through our Top 100 report, than others and that any further analysis should include a comprehensive look at what's happening across all platforms--ours and others – if we are going to make progress in a consistent and sustained manner.

Finally, we will be sending you the latest version of our Top 100 report later today, per our regular schedule. [REDACTED] will do the honors this week as it will likely be completed at our end later today East Coast time. We really do hope that we can discuss our approach to this data set in greater detail during our next session with [REDACTED] as we genuinely believe it is an effective way of understanding what people are actually seeing on the platform.

Once again, I want to thank you for setting such a constructive tone at the beginning of the call. We too believe that we have a strong shared interest to work together, and that we will strive to do all we can to meet our shared goals.

Best wishes



From: [REDACTED] [REDACTED]@fb.com]
Sent: 8/31/2021 3:43:19 PM
To: [REDACTED] (HHS/OASH) [REDACTED]@hhs.gov]
Subject: Re: Facebook Covid actions

Flag: Followup

Hi [REDACTED]—hope you're well. Just checking back in on setting a potential meeting—don't want it to fall through the cracks on our end.

Thanks—look forward to being in touch.

[REDACTED]

From: [REDACTED] (HHS/OASH) <[REDACTED]@hhs.gov>
Date: Monday, August 23, 2021 at 10:38 AM
To: [REDACTED] [REDACTED]@fb.com>
Subject: RE: Facebook Covid actions

Hi [REDACTED],

Thanks so much for following up. I'll circle with [REDACTED] and the team. Definitely want to keep moving the ball forward.

Best,

[REDACTED]

From: [REDACTED] <[REDACTED]@fb.com>
Sent: Friday, August 20, 2021 4:11 PM
To: [REDACTED] (HHS/OASH) <[REDACTED]@hhs.gov>
Subject: Fwd: Facebook Covid actions

Hi [REDACTED]—following up just with you. We wanted to make sure to get you our latest plan within the two week window that you requested, but this represents a snapshot of where we are today, not a final destination. We're continuing to look for ways to be responsive, and would very much like to schedule time with [REDACTED] to cover possible approaches for increased transparency.

Let me know if helpful to connect.

Thanks and have a good weekend.

[REDACTED]

Get [Outlook for iOS](#)

From: [REDACTED] <[REDACTED]@fb.com>
Sent: Friday, August 20, 2021 3:08:20 PM
To: [REDACTED] @hhs.gov [REDACTED] @hhs.gov>
Cc: [REDACTED] (HHS/OASH) <[REDACTED]@hhs.gov>; [REDACTED] @gmail.com <[REDACTED]@gmail.com>; [REDACTED] <[REDACTED]@fb.com>
Subject: Facebook Covid actions

Dear Surgeon General

Many thanks again for the recent opportunity to discuss our Covid related work. You asked for an update on existing and new steps that Facebook is taking. As you know, Facebook takes its responsibility during this prolonged, unprecedented public health crisis extremely seriously. In light of our conversation we have been reviewing our efforts to combat COVID-19, and are eager to continue working towards our shared goal of helping more people get vaccinated and limiting the spread of harmful misinformation.

The White House described four recommendations to social media platforms in July, which cover access to authoritative information, enforcement and speed of enforcement, and transparency. Those are priorities we have shared throughout the COVID-19 pandemic. In this update, we describe both our historic actions in these areas, as well as new information on boosting access to authoritative information, and further policy work to enable stronger action against persistent distributors of vaccine misinformation. Finally, as agreed at our last meeting, we remain eager to meet with you and/or your team about our ideas regarding data that could potentially be shared with the public.

Elevating access to better information

We continue to review, experiment and adapt to find better ways to increase access to quality information, as we have done since the start of the pandemic:

- We have heard your and others' concern that people should be better able to access authoritative information on our platform. We agree, and have already taken action to make it easier for people to find more authoritative and trusted information in News Feed. We would be happy to describe these efforts to you in a specific briefing.
- We continue to help people directly access accurate information through the COVID Information Center, and will keep adding to this as the situation evolves and especially as guidance for various populations is updated - including when children should get vaccinated, and when the already vaccinated should be getting boosters.
- So far we have connected over 2 billion people globally with resources about COVID, and in the US alone we've helped over 4 million people get vaccinated through our Vaccine Finder, which connects them with appointment information, directions, and contact information.
- We're continuing to refine how we help health partners reach communities with less access to information or lower vaccination rates, leveraging the CDC's Social Vulnerability Index and other resources to reach those populations with high-quality, authoritative information.

Limiting Potentially Harmful Information

We continue to improve and refine measures that reduce the spread of potentially harmful content and limit the distribution of actors who share misleading information about COVID and the vaccine:

- We will shortly be expanding our COVID policies to further reduce the spread of potentially harmful content on our platform. These changes will apply across Facebook and Instagram.
- We are increasing the strength of our demotions for COVID and vaccine-related content that third party fact checkers rate as "Partly False" or "Missing Context." That content will now be demoted at the same strength that we demote any content on our platform rated "False."
- We are making it easier to have Pages/Groups/Accounts demoted for sharing COVID and vaccine-related misinformation by also counting content removals under our COVID and vaccine-related Community Standards violations towards their demotion threshold.
- Any entity linked to another entity that is removed for violating our COVID or vaccine misinformation policies will be rendered "non-recommendable" on our platform.
- Lastly, we will also be strengthening our existing demotion penalties for websites that are repeatedly fact-checked for COVID and vaccine misinformation content shared on our platform. Together, we intend for these policies to further limit the traction that misinformation can get on our platform.
- To date, we've removed over 20 million pieces of content for COVID- and vaccine-related misinformation. We've also taken action against people who repeatedly post content that violates our policies. Since the beginning of the pandemic, we have removed over 3,000 accounts, Pages, and groups for repeatedly violating our rules against spreading COVID and vaccine misinformation.
- We've specifically investigated the people sometimes identified in the media as the 'Disinfo Dozen'. We've applied penalties to some of their website domains as well so any posts, including their website content, are moved lower in News Feed. The remaining accounts associated with these individuals are not posting content that breaks our rules, have only posted a small amount of violating content, which we've removed, or are simply inactive. In fact, these 12 people are responsible for about just 0.05% of all views of vaccine-related content on Facebook. This includes all vaccine-related posts they've shared, whether true or false, as well as URLs associated with these

people. In total we have removed three dozen Pages, groups and Facebook or Instagram accounts linked to these 12 people, including at least one linked to each of the 12 people, for violating our policies.

- We continue to notify people when content that they have interacted with is removed for violating our policies on COVID and vaccines.
- We have implemented and continue to experiment with signals that we can use -- around specific kinds of sharing behavior, specific page types, and specific types of language, among other factors -- to demote content that we predict will contain low quality information.

Increasing Transparency

We will continue to seek to ensure the actions we are taking (as well as misses) are apparent and discernible by people who don't work at Facebook. We are especially keen to discuss with you what form shared data could take in order to be most valuable to analysts and researchers, both inside and outside of government.

In terms of what we're doing now:

- We already have a wide amount of data available for analysis through our academic partnerships like FORT, but we are keenly aware that more kinds of data, or more specific cuts, may be valuable to the people actively looking to study this area more closely. We also share data with the public through our quarterly Community Standards Enforcement Report releases, [most recently this past Wednesday](#), and have also [just launched a Widely View Content Report](#) to further increase transparency with the public.
- We are currently deep in internal discussions to identify the best ways we can share with the public information about some of the most widely viewed content on Facebook. We're actively considering how we can best share that information so that it is valuable to the public and to researchers, which to the best of our knowledge no other company provides.
- We're also looking at ways we can produce more data and deeper data sets that can create richer opportunities for researchers to analyse the reach of various kinds of content.
- We have examined the distribution patterns of the so-called 'Disinfo Dozen' (as above - <https://about.fb.com/news/2021/08/taking-action-against-vaccine-misinformation-superspreaders/>).
- To advance public understanding of how social media and behavioral sciences can be leveraged to improve the health of communities around the world, we've supported researchers attempting to understand social media's role in the ongoing pandemic. One report [has already been published](#), and we are pleased to see that social media can have positive impacts on public health needs. There are other researchers we are supporting, and look forward to reviewing their work as it is completed and peer reviewed.
- While separate from the issue of content online, researchers are also able to access our COVID-19 Trends and Impact Survey, which is a global survey gathering insights about symptoms, testing, mask-wearing, social distancing, mental health, vaccine acceptance, reasons for vaccine hesitancy, and more. We believe this is the largest public health survey in history. Over 70 million responses from more than 200 countries and territories have been collected, and the data can be broken down by self-reported demographic information like gender and race as well as by hyper-local geographic regions. The data is available in near real-time and is collected off-platform by academic partners at the University of Maryland (UMD) and Carnegie Mellon University (CMU). Academic and nonprofit researchers are able request access to non-public, non-aggregated survey data for their research.

I hope this is a useful update, pending further work and discussions we will continue to update you and your teams and we are happy to meet and discuss any of the work we have outlined here. Please do not hesitate to reach out to me or my team with any further questions.

Best wishes,



MOLA_DEFSPROD_00007267

From: [REDACTED]@fb.com
Sent: 7/28/2021 2:46:45 PM
To: [REDACTED] (CDC/OD/OADC) <[REDACTED]@cdc.gov>, [REDACTED] [REDACTED]@fb.com
CC: [REDACTED] (CDC/OD/OADC) <[REDACTED]@cdc.gov>, [REDACTED] [REDACTED]@fb.com
Subject: Re: FB Misinformation Claims_Help Debunking

Great! I'll let [REDACTED] gather some more claims and before we set a date, I'll reach out on topics so you can get the right folks on the call.

[REDACTED]

From: [REDACTED] (CDC/OD/OADC) <[REDACTED]@cdc.gov>
Date: Wednesday, July 28, 2021 at 2:36 PM
To: [REDACTED] <[REDACTED]@fb.com>, [REDACTED] <[REDACTED]@fb.com>
Cc: [REDACTED] (CDC/OD/OADC) <[REDACTED]@cdc.gov>, [REDACTED] <[REDACTED]@fb.com>
Subject: RE: FB Misinformation Claims_Help Debunking

Yes, we would love to do that. I do think getting the claims several days in advance will be critical to being sure we have what you need.

[REDACTED]

From: [REDACTED] <[REDACTED]@fb.com>
Sent: Wednesday, July 28, 2021 2:30 PM
To: [REDACTED] (CDC/OD/OADC) <[REDACTED]@cdc.gov>, [REDACTED] <[REDACTED]@fb.com>
Cc: [REDACTED] (CDC/OD/OADC) <[REDACTED]@cdc.gov>, [REDACTED] <[REDACTED]@fb.com>
Subject: Re: FB Misinformation Claims_Help Debunking

Thank you so much, [REDACTED]!

[REDACTED] and I have been talking about in addition to our weekly meetings, doing a monthly misinfo / debunking meeting, with maybe claim topics communicated a few days prior so that you can bring in the matching experts and chat casually for 30 minutes or so. Is that something you'd be interested in?

[REDACTED]

From: [REDACTED] (CDC/OD/OADC) <[REDACTED]@cdc.gov>
Date: Wednesday, July 28, 2021 at 1:57 PM
To: [REDACTED] <[REDACTED]@fb.com>
Cc: [REDACTED] <[REDACTED]@fb.com>, [REDACTED] (CDC/OD/OADC) <[REDACTED]@cdc.gov>, [REDACTED] <[REDACTED]@fb.com>
Subject: RE: FB Misinformation Claims_Help Debunking

[REDACTED] - Below is some details from the team. I know it is a lot, does it give you what you need? In terms of the global database question at the end, I included some VAERS background below. This page adds more context: [Selected Adverse Events Reported after COVID-19 Vaccination | CDC](#). But I wasn't able to obtain recommended database.

Let me know if this doesn't work!

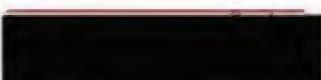
From: [REDACTED]@reingold.com]
Sent: 5/24/2021 2:28:00 PM
To: [REDACTED]@twitter.com
CC: [REDACTED]@cdc.gov], [REDACTED]@reingold.com]; [REDACTED]
Subject: RE: COVID Misinformation

Hi [REDACTED],

I hope you had a good weekend. I'm following up about the partner support portal enrollment for CDC. Does the Twitter account need to be connected to a cdc.gov email or is any account fine? Also, would there be any issues or complications stemming from flagging COVID misinformation on the portal using the existing census.gov accounts that have access? We'll want to have at least some CDC accounts whitelisted, but that backup may be helpful in the short-term.

Let us know any next steps we can take to make sure CDC is all set with the portal.

Thanks,



Reingold



reingold.com

We're on a mission. **Yours.**

From: [REDACTED] (CDC/OD/OADC)
Sent: Tuesday, May 11, 2021 8:50 AM
To: [REDACTED]@twitter.com>
Subject: RE: COVID Misinformation

Does it need to be the CDC account or my personal? If CDC, I'm going to have someone on staff enroll instead of me.

If personal is OK, it is: @[REDACTED]

From: [REDACTED]@twitter.com>
Sent: Monday, May 10, 2021 8:51 PM
To: [REDACTED]@cdc.gov>
Cc: [REDACTED]@reingold.com>[REDACTED]@reingold.com>[REDACTED]
Subject: Re: COVID Misinformation

Hi [REDACTED] -

I'd be glad to enroll you in our Partner Support Portal, which allows you a special, expedited reporting flow in the Twitter Help Center. It worked very well with Census colleagues last year.

You need a Twitter account (and to be logged into that account) to access the Partner Support Portal. What account (or accounts) would you like me to enroll?

Best,
[REDACTED]

On Mon, May 10, 2021 at 5:05 PM [REDACTED] [@cdc.gov](#)> wrote:

[REDACTED] – I don't think we have info on how to enroll but we'd be happy to get on if you can send some info.

Thanks.

From: [REDACTED] [@twitter.com](#)>
Sent: Monday, May 10, 2021 3:02 PM
To: [REDACTED] [@cdc.gov](#)>
Cc: [REDACTED] [@reingold.com](#); [REDACTED] [@reingold.com](#); [REDACTED] [@census.gov](#); [REDACTED] [@cdc.gov](#)>
Subject: Re: COVID Misinformation

H [REDACTED]

Thanks for sharing this - agree these are important trends to note; a quick scan shows that at least some of these have been previously reviewed and actioned. I will now ask the team to review the others.

[REDACTED] remind me: did you have a chance to enroll in our Partner Support Portal? In the future, that's the best way to get a spreadsheet like this reviewed.

Best.
[REDACTED]

On Mon, May 10, 2021 at 1:50 PM [REDACTED] [@cdc.gov](#)> wrote:

[REDACTED] –

We wanted to point out two issues that we are seeing a great deal of misinfo about – vaccine shedding and microchips. The below are just some example posts. We do plan to post something shortly to address vaccine shedding and I can send that link soon. Our census team copied here, has much more info on it if needed.

Also, we are standing up a BOLO COVID misinformation meeting and inviting all tech platforms. We are shooting for 12pm EST on Friday for our first meeting. I'll include you on the invite but if you'd like to propose an alternative approach or would like to me include others, just let me know.

Thanks!

From: [REDACTED] twitter.com]
Sent: 10/29/2020 2:52:23 PM
To: [REDACTED] cisa.dhs.gov]
CC: [REDACTED] twitter.com]; [REDACTED] twitter.com]; [REDACTED] hq.dhs.gov];
[REDACTED] cisecurity.org
Subject: Re: FW: Case #CIS-MIS000090: potential parody Twitter accounts related to Adams County, CO

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

We will escalate. Thank you.

On Thu, Oct 29, 2020 at 2:37 PM [REDACTED] cisa.dhs.gov> wrote:

Please see the below reporting from Colorado. These do not appear to be connected to the imposter/parody accounts previously shared.

Regards,

The Cybersecurity and Infrastructure Security Agency (CISA) of the U.S. Department of Homeland Security (DHS) is not the originator of this information. CISA is forwarding this information, unedited, from its originating source – this information has not been originated or generated by CISA. This information may also be shared with law enforcement or intelligence agencies.

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In the event that CISA follows up to request further information, such a request is not a requirement or demand. Responding to this request is voluntary and CISA will not take any action, favorable or unfavorable, based on decisions about whether or not to respond to this follow-up request for information.

From: [REDACTED] cisecurity.org>
Sent: Thursday, October 29, 2020 2:33 PM
To: [REDACTED] cisa.dhs.gov>; [REDACTED] cisa.dhs.gov>; [REDACTED] hq.dhs.gov>; [REDACTED] 2020partnership.atlassian.net; [REDACTED] cisecurity.org>
Subject: Case #CIS-MIS000090: potential parody Twitter accounts related to Adams County, CO

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Misinformation report: two potential parody Twitter accounts related to Adams County, CO

From: [REDACTED] SOS.STATE.CO.US>
Sent: Thursday, October 29, 2020 2:04 PM
To: [REDACTED] cisisecurity.org>
Cc: [REDACTED] SOS.STATE.CO.US>; [REDACTED] sos.state.co.us>; [REDACTED] SOS.STATE.CO.US>
Subject: Flagging Twitter Accounts

EI-ISAC, CISA and Stanford Partners,

We want to highlight two accounts we found that could be used to imitate official accounts. We are unsure if there's any action that can be taken, but we wanted to flag them for consideration.

- [REDACTED]
- [REDACTED]

These are concerning to us here in Colorado because of the recent FBI/CISA warnings about impersonation accounts spreading false information about the election. We have recently flagged three other accounts [REDACTED] that popped up in the last couple of weeks impersonating the Colorado state government and we wanted to highlight these new accounts for awareness.





Disclaimer: Colorado Department of State is not the originator of the above information and is forwarding it, unedited, from its original source. The Department does not seek the ability to remove or edit what information is made available on social media platforms. The Department makes no recommendations about how the information it is sharing should be handled or used by recipients of this email. The Department may also share this information with local, state, and federal government agencies.

Thanks,



.....
This message and attachments may contain confidential information. If it appears that this message was sent to you by mistake, any retention, dissemination, distribution or copying of this message and attachments is strictly prohibited. Please notify the sender immediately and permanently delete the message and any attachments.

From: [REDACTED] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7CA10604AEE04B1DAB53DC9F884130BD] [REDACTED]
Sent: 10/29/2020 7:30:38 PM
To: [REDACTED]@twitter.com; [REDACTED]@twitter.com; [REDACTED]
[REDACTED]@twitter.com
CC: CFITF [cfitf@hq.dhs.gov]; misinformation@cisecurity.org
Subject: FW: Case #CIS-MIS000091: alleged fraud in Washington state elections
Attachments: [REDACTED].png

Good evening,

Please see the below report from Washington.

Thanks,
[REDACTED]

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In the event that CISA follows up to request further information, such a request is not a requirement or demand. Responding to this request is voluntary and CISA will not take any action, favorable or unfavorable, based on decisions about whether or not to respond to this follow-up request for information.

From: Misinformation Reports <misinformation@cisecurity.org>
Sent: Thursday, October 29, 2020 7:26 PM
To: [REDACTED]@cisa.dhs.gov; CISA Central <central@cisa.dhs.gov>; CFITF <cfitf@hq.dhs.gov>; tips@2020partnership.atlassian.net; Misinformation Reports <misinformation@cisecurity.org>
Subject: Case #CIS-MIS000091: alleged fraud in Washington state elections

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Misinformation report: two tweets alleging fraud in Washington state elections.

From: [REDACTED]@sos.wa.gov>
Sent: Thursday, October 29, 2020 7:21 PM
To: Misinformation Reports <misinformation@cisecurity.org>
Cc: [REDACTED]@sos.wa.gov> [REDACTED]@sos.wa.gov>
[REDACTED]@sos.wa.gov>
Subject: Possible misinformation on Twitter

Hello,

I wanted to flag two tweets with possible misinformation about the election.

[https://twitter.com/\[REDACTED\]/status/1321738257399533571](https://twitter.com/[REDACTED]/status/1321738257399533571) -- "Ballots can appear whenever, from whomever" is false.

[https://twitter.com/\[REDACTED\]/status/1321759027508908033](https://twitter.com/[REDACTED]/status/1321759027508908033) -- The response to the above tweet includes the following sentence: "Washington State in 2004 judges ignored the real count and rewarded the Democrats." That is not a factual statement.

My name is [REDACTED] and I'm an [REDACTED] for the Washington Office of the Secretary of State. I can be reached via this email or the number listed in my signature block below. My cell phone is monitored after hours if I need to be reached urgently.

I am also copying Washington State Elections [REDACTED] Office of the Secretary of State [REDACTED]
[REDACTED], and our [REDACTED]

Please let me know if you have any questions or need additional information.

Thank you.



....
This message and attachments may contain confidential information. If it appears that this message was sent to you by mistake, any retention, dissemination, distribution or copying of this message and attachments is strictly prohibited. Please notify the sender immediately and permanently delete the message and any attachments.

....

The screenshot shows a Twitter interface with a sidebar on the left containing links for Home, Explore, Notifications, Messages, Bookmarks, Lists, Profile, and More. The main feed displays several tweets from accounts with names such as 'What are you hiding?' and 'ArizonaCommunityA...'. One tweet from 'What are you hiding?' claims to be a voter registration system owned by foreign actors. Another tweet from 'ArizonaCommunityA...' discusses the National Guard remaining active in DC. On the right side, there are sections for 'You might like' and 'What's happening', which include news items about the National Guard and Camp David.

Of specific concern to the Secretary of State are the following tweets:

<https://twitter.com/...status/1346451683384160257>

<https://twitter.com/...status/1346233687160008704>

Reason: These messages falsely assert that the Voter Registration System is owned and therefore operated by foreign actors.

This is an attempt to further undermine confidence in the election institution in Arizona.

Thank you for your consideration in reviewing this matter for action.

Sincerely,



.....
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From: Misinformation Reports [misinformation@cisecurity.org]
Sent: 11/11/2020 6:07:35 PM
To: gov@twitter.com
CC: CISA Central [central@cisa.dhs.gov]; CFITF [cfitf@hq.dhs.gov]; [REDACTED]@cisa.dhs.gov;
Subject: Fwd: Case #CIS-MIS000196: allegations of election fraud

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Twitter,

Please see below a Misinformation Report submitted by the Kentucky Secretary of State office.

Because today is a holiday, we are forwarding this report directly to you.

Election Infrastructure Information Sharing and Analysis Center
Center for Internet Security
Email: misinformation@cisecurity.org
www.cisecurity.org

Begin forwarded message:

From: Misinformation Reports <misinformation@cisecurity.org>
Date: November 11, 2020 at 4:49:18 PM EST
To: [REDACTED]@cisa.dhs.gov, CISA Central <central@cisa.dhs.gov>, CISA CFITF <cfitf@hq.dhs.gov>, EIP <tips@2020partnership.atlassian.net>, Misinformation Reports <misinformation@cisecurity.org>
Subject: Case #CIS-MIS000196: allegations of election fraud

Twitter account alleging election fraud: [https://twitter.com/\[REDACTED\]](https://twitter.com/[REDACTED])

From: [REDACTED]@ky.gov
Sent: Wednesday, November 11, 2020 4:28 PM
To: Misinformation Reports <misinformation@cisecurity.org>
Subject: Misinformation

This user is pushing miss information about election fraud that does not exist. looking at the entire account it looks like bot trolling activity if not an out right disinformation account.
[REDACTED]

Get [Outlook for iOS](#)

.....



MOLA_DEFSPROD_00008638

This message and attachments may contain confidential information. If it appears that this message was sent to you by mistake, any retention, dissemination, distribution or copying of this message and attachments is strictly prohibited. Please notify the sender immediately and permanently delete the message and any attachments.

From: [REDACTED] [REDACTED]@twitter.com]
Sent: 11/11/2020 12:11:52 AM
To: [REDACTED] [REDACTED]@cisa.dhs.gov]
CC: [REDACTED] [REDACTED]@twitter.com]; [REDACTED] [REDACTED]@twitter.com]; Twitter Government & Politics [gov@twitter.com]; CFITF [cfitf@hq.dhs.gov]; Misinformation Reports [misinformation@cisecurity.org]
Subject: Re: FW: Case #CIS-MIS000195: allegations of election fraud with Dominion voting equipment in WA state

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Thank you. All Tweets have been labeled, with the exception of two from @SeattleSuze. Those two Tweets were not found to violate our policies.

Thank you,
[REDACTED]

On Tue, Nov 10, 2020 at 7:25 PM [REDACTED] [REDACTED]@twitter.com> wrote:
Thanks, [REDACTED] We will escalate.

On Tue, Nov 10, 2020 at 7:23 PM [REDACTED] [REDACTED]@cisa.dhs.gov> wrote:
Good evening Twitter,

Please see the below report from Washington.

Thanks,
[REDACTED]

The Cybersecurity and Infrastructure Security Agency (CISA) of the U.S. Department of Homeland Security (DHS) is not the originator of this information. CISA is forwarding this information, unedited, from its originating source – this information has not been originated or generated by CISA. This information may also be shared with law enforcement or intelligence agencies.

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From: Misinformation Reports <misinformation@cisecurity.org>
Sent: Tuesday, November 10, 2020 7:17 PM

To: [REDACTED] <cisa.dhs.gov>; CISA Central <central@cisa.dhs.gov>; CFITF <cfitf@hq.dhs.gov>; tips@2020partnership.atlassian.net; Misinformation Reports <misinformation@cisecurity.org>
Subject: Case #CIS-MIS000195: allegations of election fraud with Dominion voting equipment in WA state

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Misinformation report: twelve (12) tweets alleging election fraud with Dominion voting equipment in Washington state.

From: [REDACTED] <sos.wa.gov>
Sent: Tuesday, November 10, 2020 7:03 PM
To: Misinformation Reports <misinformation@cisecurity.org>
Cc: [REDACTED] <sos.wa.gov>; [REDACTED] <sos.wa.gov>; [REDACTED]
Subject: Misinformation on Twitter

Hello,

I wanted to flag the following tweets that include misinformation and/or false allegations of election fraud. There is no evidence to back any of these claims. There have been no reports or indications of fraudulent activity in Washington state for the 2020 general election.

Franklin County is the only county in Washington state that uses a version of Dominion software and hardware. The system in use has been certified, and we are not aware of any issues.

No counties in Washington state use GEMS.

Additionally, each county conducts post-election audits in the days after the election that are publicly observable, which provides another layer of protection to ensure the results they certify later this month are accurate. At the end of the certification period, each county will publish a reconciliation report that discloses details about all of the ballots issued, received, counted, and rejected during this election.

<https://twitter.com/LuvMyCountry7/status/1326303394147921920>

<https://twitter.com/seattleSuze/status/1326208987348398080>

<https://twitter.com/seattleSuze/status/1326209828717436928>

<https://twitter.com/MatthewMacphel7/status/1326212450585210880>

<https://twitter.com/MatthewMacphel7/status/1326211588089470976>

<https://twitter.com/MatthewMacphel7/status/1326204530543882240>

<https://twitter.com/MatthewMacphel7/status/1326202866567049216>

<https://twitter.com/Katrina64718085/status/1326311025738575872>

<https://twitter.com/Maga2020Rules/status/1326187323566948352>

<https://twitter.com/lazalere/status/1326082445196681216>

<https://twitter.com/TerenaHimpel/status/1326006222034665472>

<https://twitter.com/LolaTwelve/status/1325934941503250433>

My name is [REDACTED] and I'm an [REDACTED] for the Washington Office of the Secretary of State. I can be reached via this email or the number listed in my signature block below. My cell phone is monitored after hours if I need to be reached urgently.

I am also copying Washington State Elections [REDACTED] Office of the Secretary of State Communications Director [REDACTED] and our Web and Social Media Coordinator [REDACTED]

Please let me know if you have any questions or need additional information.

Thank you.
[REDACTED]
[REDACTED]

Office of the Secretary of State
[REDACTED]



....
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From: [REDACTED]@twitter.com
Sent: 11/6/2020 12:15:08 PM
To: [REDACTED]@cisa.dhs.gov
CC: [REDACTED]@hq.dhs.gov
Subject: Re: FW: Are these real?

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Thank you so much! We have applied a label to the Tweet.

Thanks,
[REDACTED]

On Fri, Nov 6, 2020 at 11:58 AM [REDACTED]@cisa.dhs.gov> wrote:
Hey [REDACTED]

Just came across this debunk of the video on Twitter --
<https://twitter.com/JaneLvtv/status/1324756117415776257?s=20>.

[REDACTED]
From: [REDACTED]@twitter.com>
Sent: Friday, November 6, 2020 9:53 AM
To: [REDACTED]@cisa.dhs.gov>
Cc: [REDACTED]@hq.dhs.gov>
Subject: Re: FW: Are these real?

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Thanks, [REDACTED]. We recognize the PA Secretary of State might be busy at this moment. I am happy to escalate now without waiting for additional information.

Thanks,
[REDACTED]

On Fri, Nov 6, 2020 at 9:51 AM [REDACTED]@cisa.dhs.gov> wrote:
Hey [REDACTED]

There are two reports in this email chain. One of Facebook posts with videos the State believes are false. That was the basis of the FYI for another group of folks. The specific report we are sharing with you all is the most recent link to a Twitter post. The FYI does not apply to the Twitter portion of the chain (unless

I'm misreading things, which in my current state is possible). We are not allowed to edit the reporting emails, so it creates some challenges for us when we're forwarding such reports.

On the video's authenticity, PA states in the very first email that they believe the video's are false. We are reaching out to partners to validate. Not sure we'll be able to get a validation, but can certainly pass along anything we get back.

Not sure this is helpful, so happy to chat if you'd like.

[REDACTED]

From: [REDACTED]@hq.dhs.gov>
Sent: Friday, November 6, 2020 9:41 AM
To: [REDACTED]@hq.dhs.gov>
Subject: FW: FW: Are these real?

From: [REDACTED]
Sent: Friday, November 6, 2020 2:40:46 PM (UTC+00:00) Monrovia, Reykjavik
To: [REDACTED]
Cc: [REDACTED]@twitter.com; [REDACTED]@twitter.com; [REDACTED]@twitter.com
Subject: Re: FW: Are these real?

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Also, have PA state officials provided additional information to you on the authenticity of video or circumstances underpinning it? It seems as if the correspondence flagging this issue to you said "FYI only at this point" and there isn't additional information from the state official.

Thank you,

On Fri, Nov 6, 2020 at 9:35 AM [REDACTED]@twitter.com> wrote:

Thank you [REDACTED] We only see one URL linking to a video, but no attached screenshots as were referenced in the email. Please let us know if there are additional materials you would like us to review?

Thanks,

On Fri, Nov 6, 2020 at 9:34 AM [REDACTED]@hq.dhs.gov> wrote:

Good morning Twitter – Please see the reporting below.

From: [REDACTED]@cisa.dhs.gov>
Sent: Friday, November 6, 2020 9:19 AM
To: [REDACTED]@cisa.dhs.gov>; [REDACTED]@cisa.dhs.gov>
Subject: FW: Are these real?

See more below from PA. have we heard anything?

[REDACTED]
Department of Homeland Security
Cybersecurity & Infrastructure Security Agency (CISA)
[REDACTED]

From: [REDACTED]@pa.gov>
Sent: Friday, November 6, 2020 9:16 AM
To: [REDACTED]@cisa.dhs.gov>
Subject: Fwd: Are these real?

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Here's a little more. Any word on your side? We just got a request from a reporter. We know the one on our page was taken down, but it appears there are more floating out there.

[REDACTED]
PA Department of State
[REDACTED]

From: [REDACTED]@pa.gov>
Sent: Friday, November 6, 2020 6:29 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Are these real?

I think I found a version of the video: <https://twitter.com/StateofusAll/status/1324556436135882753>

[REDACTED]

From: [REDACTED]
Sent: Friday, November 6, 2020 3:35 AM
To: [REDACTED] @pa.gov>; [REDACTED] @pa.gov>
Cc: [REDACTED] @pa.gov>; [REDACTED] @pa.gov>
Subject: RE: Are these real?

Thank you for the notice. If you got screenshots or links can you send those?

[REDACTED]

From: [REDACTED] @pa.gov>
Sent: Friday, November 6, 2020 12:01 AM
To: [REDACTED] @pa.gov>; [REDACTED] @pa.gov>
Cc: [REDACTED] @pa.gov>; [REDACTED] @pa.gov>
Subject: Fwd: Are these real?

FYI only at this point

[REDACTED]
PA Department of State

From: [REDACTED] @pa.gov>
Sent: Thursday, November 5, 2020 11:36 PM
To: [REDACTED] (DHS)
Subject: Re: Are these real?

The only guess I have is, if this is real, they took live feed from “remaking” damaged ballots. I just have no idea where this might have come from...

[REDACTED]
PA Department of State

From: [REDACTED]@pa.gov>
Sent: Thursday, November 5, 2020 11:22:52 PM
To: [REDACTED] (DHS) [REDACTED]@hq.dhs.gov>
Subject: Are these real?

[REDACTED]

Sorry to message late, but was going through the dos page and comments (old habits from EAC die hard) and came across these posts. Sorry to screenshot, but if you go to our page you should be able to see the comments on the post and go to the pages.

Are these making their way around the internet? Because there is no polling place I know of that has overhead cameras. Just don't want another "burning ballots" fake thing spreading.

Apologies for sending to you all first, but I didn't want to call an all hands meeting here when some of our folks are getting their first few real hours rest since Monday.

Thanks,

[REDACTED]

From: [REDACTED]@twitter.com]
Sent: 10/8/2020 10:38:29 AM
To: [REDACTED]@cisa.dhs.gov]
CC: [REDACTED]@twitter.com]
Subject: Re: FW: Case #CIS-MIS000033: Misinformation tweet to vote in-person in Washington state

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Hi [REDACTED], this Tweet has been actioned for violating our rules.

On Wed, Oct 7, 2020 at 8:07 PM [REDACTED] (@cisa.dhs.gov) wrote:

Hi [REDACTED]

We received the below report from Washington.

Regards,

The Cybersecurity and Infrastructure Security Agency (CISA) of the U.S. Department of Homeland Security (DHS) is not the originator of this information. CISA is forwarding this information, unedited, from its originating source – this information has not been originated or generated by CISA. This information may also be shared with law enforcement or intelligence agencies.

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From: Misinformation Reports <misinformation@cisecurity.org>
Sent: Wednesday, October 7, 2020 8:04 PM
To: Misinformation Reports <misinformation@cisecurity.org>; [REDACTED]@cisa.dhs.gov]; [REDACTED]
<[\[REDACTED\]@hq.dhs.gov](mailto:[REDACTED]@hq.dhs.gov)>; [REDACTED]@cisa.dhs.gov>; [REDACTED]@2020partnership.atlassian.net
Subject: Case #CIS-MIS000033: Misinformation tweet to vote in-person in Washington state

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Misinformation tweet to vote in-person in Washington state

Begin forwarded message:

From: [REDACTED] @sos.wa.gov>
Date: October 7, 2020 at 7:48:49 PM EDT
To: Misinformation Reports <misinformation@cisecurity.org>
Cc: [REDACTED] @sos.wa.gov>, [REDACTED] @sos.wa.gov>
Subject: Possible misinformation on Twitter

Hello,

I wanted to flag this tweet the Washington Office of the Secretary of State's official Twitter account was tagged in. I've attached a screenshot of the post itself, and it can be found here:
<https://twitter.com/JeffKis88392967/status/1313926786804113408>

The reason I am flagging this as potential misinformation is it's not clear if this tweet is a simple statement or recommendation to "conservatives," or if this is a directive. If it's the latter, that would not be true. In Washington state, voters may return their ballots by mail, by placing their ballot in an official ballot drop box, or by visiting a county voting center.

My name is [REDACTED] and I'm the [REDACTED] for the Washington Office of the Secretary of State. I can be reached via this email or the two numbers listed in my signature block below. My cell phone is monitored after hours if I need to be reached urgently. I am also copying Washington State [REDACTED] and our [REDACTED]

Please let me know if you have any questions or need additional information.

Thank you.
[REDACTED]



Secretary of State

[Handwritten signature]



[REDACTED]

@secstatewa All conservatives vote in person. Don't trust the mail

12:38 PM · Oct 7, 2020 · Twitter for iPhone



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[REDACTED]

To: [REDACTED]@cisecurity.org>
Cc: [REDACTED]@twitter.com> [REDACTED]@cisa.dhs.gov>;
[REDACTED]@cisa.dhs.gov> [REDACTED]@cisa.dhs.gov>;
[REDACTED]@cisa.dhs.gov> [REDACTED]@cisecurity.org>;
[REDACTED]@cisecurity.org> [REDACTED]@cisecurity.org>;
[REDACTED]@nased.org> [REDACTED]@sso.org>; [REDACTED]@sso.org>;
[REDACTED]@twitter.com> [REDACTED]@twitter.com> [REDACTED]@twitter.com>
Subject: Re: Reporting Portal with CIS, NASS, NASED and Twitter

Hi [REDACTED]

Thanks again for this group's time yesterday. Can we schedule our next follow-up for next Wednesday from 1-2pm?
We'll share some of our questions ahead of that call to help inform our discussion.

Also, would you be able to help us establish some log-ins for us to test out the tool?

Thanks!

On Wed, Jun 3, 2020 at 4:52 PM [REDACTED]@cisecurity.org> wrote:

[REDACTED]
That works for us here at CIS [REDACTED] will send an invite shortly.

Thanks,



From: [REDACTED]@twitter.com>
Sent: Wednesday, June 3, 2020 4:08 PM
To: [REDACTED]@cisecurity.org>
Cc: [REDACTED]@twitter.com>; [REDACTED]@cisa.dhs.gov>;
[REDACTED]@cisa.dhs.gov>; [REDACTED]@cisa.dhs.gov>;
[REDACTED]@cisa.dhs.gov>; [REDACTED]@cisecurity.org>;
[REDACTED]@cisecurity.org>; [REDACTED]@cisecurity.org>;
[REDACTED]@nased.org>; [REDACTED]@sso.org>; [REDACTED]@sso.org>
Subject: Re: Reporting Portal with CIS, NASS, NASED and Twitter

Hi [REDACTED]

Thank you for your patience. Would 3:30 next Thursday (6/11) work for a follow-up call?

Best,
[REDACTED]

On Mon, Jun 1, 2020 at 8:37 AM [REDACTED]@cisecurity.org> wrote:

[REDACTED]
I hope you are doing well. I know it is a busy week with the election tomorrow. When you can, please let us know a good time to reschedule our meeting from last week. We will have some updates to share about our beta testing with election officials and a possible nationwide training collaboration with the Belfer Center.

Thanks,



From: [REDACTED]@twitter.com>
Sent: Friday, May 22, 2020 4:30 PM
To: [REDACTED]@cisecurity.org>

Cc: [REDACTED]@twitter.com>; [REDACTED]@cisecurity.org; [REDACTED]@nased.org; [REDACTED]@sso.org>
[REDACTED]@cisa.dhs.gov>; [REDACTED]@cisa.dhs.gov> [REDACTED]@cisecurity.org>
[REDACTED]@cisa.dhs.gov> [REDACTED]@cisa.dhs.gov> [REDACTED]@cisecurity.org>
[REDACTED]@cisa.dhs.gov> [REDACTED]@cisa.dhs.gov> [REDACTED]@cisecurity.org>
[REDACTED]@cisa.dhs.gov> [REDACTED]@cisa.dhs.gov> [REDACTED]@cisecurity.org>

Subject: Re: Reporting Portal with CIS, NASS, NASED and Twitter

11

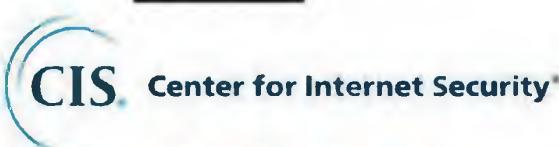
Thank you for your email and for your time last week. We support your goals in establishing this tool, but still need to run some traps internally regarding options to receive the info and provide feedback. Happy to schedule a follow-up call next week, though we may still have more questions than feedback at that point. If that works for you all, let's aim for 4:30 pm EST.

Best,

On Thu, May 21, 2020 at 3:25 PM dcisecurity.org wrote:

Thank you so much for the call last Monday. I hope it proved helpful as you went back to your team at Twitter. With the elections nearing, we are eager to hear if you have anything you can share from your internal conversations. Are you available for a 30 min follow up call next week? We have a few time slots next Thursday if any of these work for you: 9-10am, 2-2:30pm, and 4-5pm (Eastern). If these don't work for you, we can shuffle some schedules around. Just let us know what works best for you.

Thanks,



-----Original Appointment-----

From: [REDACTED]@cisa.dhs.gov>

Sent: Wednesday, May 6, 2020 9:31 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: Reporting Portal with CIS, NASS, NASED and Twitter

When: Monday, May 11, 2020 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: WebEx invite just sent separately – please use that information

Sent a separate invite to use WebEx for the meeting. Please let me know if you don't receive the WebEx invite.

Thanks,

[REDACTED]

.....

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.....

[REDACTED]

.....

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.....

[REDACTED]

.....

This message and attachments may contain confidential information. If it appears that this message was sent to you by mistake, any retention, dissemination, distribution or copying of this message and attachments is strictly prohibited. Please notify the sender immediately and permanently delete the message and any attachments.

.....

[REDACTED]

.....

This message and attachments may contain confidential information. If it appears that this message was sent to you by mistake, any retention, dissemination, distribution or copying of this message and attachments is strictly prohibited. Please notify the sender immediately and permanently delete the message and any attachments.

.....

[REDACTED]

.....

This message and attachments may contain confidential information. If it appears that this message was sent to you by mistake, any retention, dissemination, distribution or copying of this message and attachments is strictly prohibited. Please notify the sender immediately and permanently delete the message and any attachments.

From: [REDACTED]@fb.com]
Sent: 3/13/2020 11:13:52 AM
To: [REDACTED]@cisa.dhs.gov]
CC: [REDACTED]@fb.com]
Subject: Re: Tweet reguarding voting & COVID-19 - DISINFORMATION

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Thanks, [REDACTED]!

Sent from my iPhone

On Mar 13, 2020, at 10:55 AM, [REDACTED]@cisa.dhs.gov> wrote:

[REDACTED]
Apparently the tweet I sent has been taken down. Please see the screenshot below with the tweet.

Thanks,
[REDACTED]

From: [REDACTED]@cisa.dhs.gov>
Sent: Friday, March 13, 2020 10:51 AM
To: [REDACTED]@cisa.dhs.gov>
Cc: [REDACTED]@cisa.dhs.gov>; [REDACTED]@cisa.dhs.gov>
Subject: FW: Tweet reguarding voting & COVID-19 - DISINFORMATION

From OH in screen shot form and reported to CIOCC.

[REDACTED]
Department of Homeland Security
Cybersecurity & Infrastructure Security Agency (CISA)
[REDACTED]

From: [REDACTED]@OhioSOS.Gov>
Sent: Friday, March 13, 2020 10:39 AM
To: [REDACTED]@OhioSOS.Gov>; [REDACTED]@msisac.org>; [REDACTED]@msisac.org>
Cc: [REDACTED]@cisa.dhs.gov>; [REDACTED]@OhioSOS.Gov>;
[REDACTED]@OhioSOS.Gov>; [REDACTED]@OhioSOS.Gov>; [REDACTED]@OhioSOS.Gov>;
[REDACTED]@OhioSOS.Gov>; [REDACTED]@OhioSOS.Gov>
Subject: Tweet reguarding voting & COVID-19- DISINFORMATION

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

The following disinformation regarding upcoming Ohio, Florida, Illinois, Louisiana, and Wisconsin elections and COVID-19 was posted to twitter:

<https://twitter.com/coocbie/status/1238465759745134593?s=21>

<image.png>

[REDACTED]
<~WRD318.jpg>

Office of the Ohio Secretary of State

[REDACTED]
OhioSoS.gov

◀ Messages

10:31 AM

62%

Thread



▼

DEAR ALL BOOMERS,

Due to COVID-19, it should be in your highest interest to refrain from entering polling stations in Illinois, Florida, Ohio, Louisiana, and Wisconsin!!!

This is for your own safety.

I repeat, BOOMERS DO NOT VOTE

10:03 AM · 3/13/20 · [Twitter Web App](#)

6 Likes



25m

Tweet your reply



From: [REDACTED]
Sent: 10/26/2020 9:02:43 AM
To: [REDACTED]@twitter.com
CC: [REDACTED]@twitter.com; [REDACTED]@twitter.com; [REDACTED]@hq.dhs.gov;
Subject: Misinformation Reports [misinformation@cisecurity.org]
RE: FW: Case #CIS-MIS00067: Youtube video alleging conspiracy by election administration in Detroit, MI

Thanks [REDACTED].

[REDACTED]

From: [REDACTED]@twitter.com>
Sent: Monday, October 26, 2020 12:40 AM
To: [REDACTED]@cisa.dhs.gov>
Cc: [REDACTED]@twitter.com>; [REDACTED]@twitter.com>; [REDACTED]@hq.dhs.gov>;
Misinformation Reports <misinformation@cisecurity.org>
Subject: Re: FW: [REDACTED] Youtube video alleging conspiracy by election administration in Detroit, MI

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Thanks, [REDACTED]. We have taken enforcement action for violations of our policy on civic integrity.

Thanks!

On Sun, Oct 25, 2020 at 10:44 PM [REDACTED]@twitter.com> wrote:

Thanks, [REDACTED]. We will escalate.

On Sun, Oct 25, 2020 at 10:43 PM [REDACTED]@cisa.dhs.gov> wrote:

Good evening Team Twitter,

Please see the below and attached reporting from Detroit.

Regards,

[REDACTED]

The Cybersecurity and Infrastructure Security Agency (CISA) of the U.S. Department of Homeland Security (DHS) is not the originator of this information. CISA is forwarding this information, unedited, from its originating source – this information has not been originated or generated by CISA. This information may also be shared with law enforcement or intelligence agencies.

CISA affirms that it neither has nor seeks the ability to remove or edit what information is made available on social media platforms. CISA makes no recommendations about how the information it is sharing should be handled or used

by social media companies. Additionally, CISA will not take any action, favorable or unfavorable, toward social media companies based on decisions about how or whether to use this information.

From: Misinformation Reports <misinformation@cisecurity.org>
Sent: Sunday, October 25, 2020 10:35 PM
To: [REDACTED]@cisa.dhs.gov; [REDACTED]@cisa.dhs.gov; [REDACTED]@hq.dhs.gov;
[REDACTED]@2020partnership.atlassian.net; Misinformation Reports <misinformation@cisecurity.org>
Subject: Case # [REDACTED]: Youtube video alleging conspiracy by election administration in Detroit, MI

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Misinformation report: YouTube video, also shared on Twitter, alleging conspiracy by election administration in Detroit, MI

From: [REDACTED]@ferndalemi.gov
Sent: Sunday, October 25, 2020 10:16 PM
To: Misinformation Reports <misinformation@cisecurity.org>
Cc: [REDACTED]@ferndalemi.gov, [REDACTED]@detroitmi.gov, [REDACTED]@google.com, [REDACTED]
[REDACTED]@michigan.gov, [REDACTED]@twitter.com
Subject: Disinformation attack on YouTube and Twitter: "#DETROITLEAKS" video from 10/21/2020

Hello El-ISAC,

My name is [REDACTED]. I am the [REDACTED] for the City of Ferndale, Michigan. My email address is [REDACTED]@ferndalemi.gov.

I am reporting a disinformation (misinformation) attack video that was posted on YouTube on October 21 and repeatedly posted on Twitter since then, targeting election administration by the City of Detroit and State of Michigan and alleging an organized conspiracy by City and State employees.

The video is titled:

#DETROITLEAKS: State Employees Train Poll Workers to Lie to Voters, Destroy Ballots, Stop Challengers [sic]

The title card (which shows on YouTube's search screens and on some links) is:

"The Vote Fraud Scheme To Steal Michigan"

I have attached a screenshot of this title card, as requested by El-ISAC.

The video can be found here:

<https://www.youtube.com/watch?v=uHeodzJ5cNM>

It was posted by this user:

<https://www.youtube.com/channel/UCWs1IWCNra9Zf8Xew9mTsw>

It has been posted on Twitter multiple times since October 21, almost entirely by @bigleaguepol ("Big League Politics"), which is a far-right site that appears to primarily invent conspiracy theories and is operated by former Breitbart News employees. The tweets about the video use the same #DETROITLEAKS hashtag as the video title. This account 'teased' the video in a tweet on October 20.

The video takes what it alleges are recordings of "State Employees" (which are more likely City of Detroit Department of Elections employees, although they do not identify themselves in the audio), and misrepresents the audio by using on-screen commentary to misinform the viewer of the video.

- From 2:32 – 4:16, the person in the audio is describing the correct process for a provisional affidavit ballot (also colloquially called a "challenged ballot").
 - At 2:42, the on-screen text claims that "*Before 2020, NO challenged ballot would go into the tabulator.*" This is not true. Provisional affidavit ballots, as well as challenged absentee ballots, have always been fed through the tabulator on Election Day. That is exactly why they are prepared as correctly described in the audio (ballot number written on the ballot and covered up with a removable sticker) — which makes the claim at 3:04 completely wrong. Provisional Affidavit ballots always get voted as normal and are placed into the tabulator. Provisional Envelope ballots are sealed individually inside their own envelope (not placed into the tabulator) and are returned to the City Clerk for processing in the following days. These processes are not new to 2020; they have been in place for over a decade.
 - At 3:55, the text incorrectly claims that "*all challenged ballots WILL be counted immediately on Election Night*", which is wrong. Provisional Affidavit ballots are counted along with all others. Provisional Envelope ballots are not.
 - 4:12 attempts to cast doubt on the process of identifying and removing a ballot deemed uncountable — which would only happen under court order, as only Provisional Envelope ballots would wind up inside the tabulator or the sealed ballot container and need to be retrieved. The video claims "*This will NEVER happen. Unless MAYBE in a recount.*" Recounts have little to do with Provisional Affidavit ballots, and the assertion that the justice system would never take action to reverse proven voter fraud is entirely baseless. It serves only to cause the voter to doubt the good intentions of the judiciary and the justice system.
- At 4:20, the video refers to the Clerk's Office Voter Registration Receipt as "*an easily-forged piece of paper*". Again, this is a baseless accusation intended only to denigrate the legal election process and cause the video viewer to feel fear and doubt the security of Michigan's election.
- At 7:30, the video insinuates that simply using "*children*" (16- and 17-year olds, allowed under state law) as election inspectors is an intentional part of a conspiracy to intentionally undermine the election.
- At 9:04, the audio and the on-screen captions describe an absentee ballot that has been "*Sent and received*", meaning the Clerk has received the voted ballot from the voter and recorded it as such. This would have happened multiple days prior to the election. At 9:14, the video immediately turns around and ignores that by presenting a hypothetical 'scenario' where the voter might not have returned that very same ballot. This is completely contradictory, and is a total misrepresentation of the audio from the actual training scenario that has been recorded. At 9:23, the trainer in the audio even specifically says "You've already voted."

This video is misinformation and disinformation because it repeatedly takes normal processes being correctly described as written in state law, and alleges in on-screen text that they are somehow problematic, or will not be followed. On multiple occasions, the on-screen text directly contradicts the audio. However, these are items that would likely only stick out to an election administrator; a member of the general public would follow the video's lead and assume that there is somehow a problem being described. Furthermore, the video makes outright false claims, alleging actions that are prohibited under Michigan election law.

Copied on this email are the following individuals and offices, per the directions from EI-ISAC:

- [REDACTED] City of Ferndale
- [REDACTED] City of Detroit Department of Elections
- Bureau of Elections at the Michigan Department of State
- Civics Outreach office at Google
- Government office at Twitter

This video is an attack on the City of Detroit, the State of Michigan, and by direct extension, all local election administrators in the state of Michigan, such as myself. This will disinform voters outside Detroit as easily as voters inside Detroit. Indeed, the choice of words throughout the video and in the calls to action at the end of the video infer that the video's audience is primarily people who are not Detroit residents. If that audience can be spurred to create unrest in Detroit, they can easily do the same in other jurisdictions, such as my jurisdiction as Detroit's immediate northern neighbor.

Thank you for your investigation and action. If I can be of any further assistance, please let me know and I will be happy to provide support.

Best,

[REDACTED]
[REDACTED]

City of Ferndale

[REDACTED]

.....

This message and attachments may contain confidential information. If it appears that this message was sent to you by mistake, any retention, dissemination, distribution or copying of this message and attachments is strictly prohibited. Please notify the sender immediately and permanently delete the message and any attachments.

.....

Exhibit 15

From: Crawford, Carol Y. (CDC/OD/OADC)
To: Todd O'Boyle; Stanley Onyimba; Jan Antonaros; Payton Iheme; Carrie Adams; Sam Huxley; Christopher Thomas Lewitzke (CENSUS/ADCOM CTR; zachary.henry.schwartz@census.gov; Jennifer Shopkorn (CENSUS/ADCOM FED; Sokler, Lynn (CDC/OD/OADC); Galatas, Kate (CDC/OD/OADC); Kevin Kane; Caroline.M.Faught@census.gov; flagone@fb.com; lexiturdy@fb.com; Aspinwall, Brooke (CDC/DDID/NCIRD/OD); Gordon, Stephanie (CDC/OD/OADC)
Cc: Bonds, Michelle E. (CDC/OD/OADC)
Subject: Canceled: CDC COVID-19 BOLO Meeting
Importance: High

We would like to invite digital platforms to attend our 3rd short "Be On The Lookout" meeting on COVID. Let us know if you have questions and feel free to forward this message to anyone in your organization that should attend.

Join ZoomGov Meeting

(b)(6)

Meeting ID: (b)(6)

Passcode: (b)(6)

One tap mobile

(b)(6)

* US (San Jose)
* US (New York)

Dial by your location

(b)(6)

US (San Jose)
US (New York)
US (San Jose)
US

Meeting ID: (b)(6)

Passcode: (b)(6)

Find your local number: (b)(6)

Join by SIP

(b)(6)

Join by H.323

(b)(6)

US West
US East

Meeting ID: (b)(6)

Passcode: (b)(6)

From: [Crawford, Carol Y. \(CDC/OD/OADC\)](#)
To: Todd O'Boyle
Subject: RE: Request for problem accounts
Date: Friday, April 9, 2021 2:14:00 PM

Yes, we'll get that to you early next week. Thanks for checking in.

From: Todd O'Boyle <toboyle@twitter.com>
Sent: Thursday, April 8, 2021 8:28 PM
To: Crawford, Carol Y. (CDC/OD/OADC) <cjy1@cdc.gov>
Subject: Request for problem accounts

Hi Carol -

I'm looking forward to setting up regular chats; my team has asked for examples of problematic content so we can examine trends. All examples of misinformation are helpful, but in particular, if you have any examples of fraud - such as fraudulent covid cures, fraudulent vaccine cards, etc, that would be very helpful.

Thanks in advance,

TO

From: [Crawford, Carol Y. \(CDC/OD/OADC\)](#)
To: [Todd O'Boyle](#)
Cc: [Meredith Lightstone](#); [Megan Dorward](#); [Dempsey, Jay H. \(CDC/OD/OADC\)](#); [Reggie McCrimmon](#)
Subject: RE: Vaccine Misinformation
Date: Tuesday, March 23, 2021 1:03:00 PM

I understand. We have a standing meeting between 12-1 EST on Wed, would a window there work for you?

Thanks.

From: Todd O'Boyle <toboyle@twitter.com>
Sent: Tuesday, March 23, 2021 12:28 PM
To: Crawford, Carol Y. (CDC/OD/OADC) <cjy1@cdc.gov>
Cc: Meredith Lightstone <mlightstone@twitter.com>; Megan Dorward <mdorward@twitter.com>; Dempsey, Jay H. (CDC/OD/OADC) <ifb5@cdc.gov>; Reggie McCrimmon <rmccrimmon@twitter.com>
Subject: Re: Vaccine Misinformation

Hi Carol -

Thanks so much for getting in touch. We'd be glad to schedule a check in. With our CEO testifying before Congress this week is tricky - how does next Tuesday or Wednesday look for you?

On Tue, Mar 23, 2021 at 12:11 PM Crawford, Carol Y. (CDC/OD/OADC) <cjy1@cdc.gov> wrote:

Hi Todd & Reggie – I wanted to check back in to see if this was possible?

From: Meredith Lightstone <mlightstone@twitter.com>
Sent: Friday, March 19, 2021 2:22 PM
To: Crawford, Carol Y. (CDC/OD/OADC) <cjy1@cdc.gov>; Todd O'Boyle <toboyle@twitter.com>
Cc: Megan Dorward <mdorward@twitter.com>; Dempsey, Jay H. (CDC/OD/OADC) <ifb5@cdc.gov>; Reggie McCrimmon <rmccrimmon@twitter.com>
Subject: Re: Vaccine Misinformation

Hi Carol! I am adding in Todd and Reggie from our Public Policy team who will coordinate next steps.

Many thanks,
Meredith

On Thu, Mar 18, 2021 at 9:12 PM Meredith Lightstone <mlightstone@twitter.com> wrote:

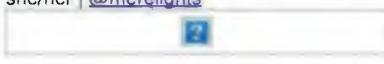
Hi Carol and Jay, this sounds great! I will chat with our internal teams about next steps and will follow up.

On Thu, Mar 18, 2021 at 8:34 PM Crawford, Carol Y. (CDC/OD/OADC) <cjy1@cdc.gov> wrote:

Megan/Meredith – We are working on project with Census to leverage their infrastructure to identify and monitor social media for vaccine misinformation. We would like the opportunity to work with your trust team on a regular basis to discuss what we are seeing. I understand that you did this with Census last year as well. Are you all interested in scheduling something to kick it off and discuss next steps? I'm happy to discuss further as well.

Thank you!

Carol Y. Crawford
Chief, Digital Media Branch
Division of Public Affairs
Office of the Associate Director for Communication
Centers for Disease Control and Prevention
404-498-2480
ccrawford@cdc.gov
Cell: (b)(6)

--
 **Meredith Lightstone** | Government & Causes
Twitter DC Office Ambassador
she/her | [@merelights](https://twitter.com/@merelights) 

--
 **Meredith Lightstone** | Government & Causes
Twitter DC Office Ambassador
she/her | [@merelights](https://twitter.com/@merelights) 

From: [Crawford, Carol Y. \(CDC/OD/OADC\)](#)
To: Todd O'Boyle
Subject: RE: CDC COVID-19 BOLO Meeting
Date: Thursday, June 10, 2021 7:12:00 AM

Thanks for letting us know.

From: Todd O'Boyle <toboyle@twitter.com>
Sent: Wednesday, June 9, 2021 7:54 PM
To: Crawford, Carol Y. (CDC/OD/OADC) <cjy1@cdc.gov>
Subject: Re: CDC COVID-19 BOLO Meeting

I will be on (b)(6) next week, but I will see if another colleague from Twitter can join.

Best.

TO

On Wed, Jun 9, 2021 at 4:23 PM Crawford, Carol Y. (CDC/OD/OADC) <cjy1@cdc.gov> wrote:

We would like to invite digital platforms to attend our 3rd short "Be On The Lookout" meeting on COVID. Let us know if you have questions and feel free to forward this message to anyone in your organization that should attend.

Join ZoomGov Meeting

(b)(6)

Meeting ID: (b)(6)

Passcode: (b)(6)

One tap mobile

(b)(6)

US (San Jose)

US (New York)

Dial by your location

(b)(6) (San Jose)

(New York)

(b)(6) (San Jose)

(b)(6)

Meeting ID: (b)(6)

Passcode: (b)(6)

Find your local number (b)(6)

Join by SIP

(b)(6)

Join by H.323

(b)(6)

(US West)

(US East)

Meeting ID: (b)(6)

Passcode: (b)(6)

Exhibit 16

OSG Advisory to share more of the work it was doing around health mis- and disinformation.

NIAID. Subject to and without waiving any of the foregoing objections, and based on a reasonable inquiry under the circumstances of abbreviated, expedited discovery, NIAID responds that no meetings took place with the Social-Media Platforms relating to Misinformation. NIAID has identified two possible meetings to discuss the potential participation by the NIAID director in U.S. Government efforts to publicize health information and provide COVID-19 and vaccine education via social media, which are not responsive to the Interrogatory, but are identified in the documents being produced in response to Plaintiffs' First Requests For Production to Defendants:

- Facebook approached NIAID in March 2020 to discuss public service announcements and ads, Facebook's CV19 hub, and an interview between [NIAID 1] and [Facebook 6]; NIAID scheduled the interview between [NIAID 1] and [Facebook 6] (which aired on Facebook Live)
- NIAID was invited to, but did not attend, a meeting scheduled for March 4, 2021, to discuss possible Facebook Live interviews with celebrities/influencers related to COVID-19 vaccines

CDC. Subject to and without waiving any of the foregoing objections, and based on a reasonable inquiry under the circumstances of abbreviated, expedited discovery, CDC responds that the following meetings took place with the Social-Media Platforms relating to Misinformation:

- On May 14, 2021, and May 28, 2021, there were virtual "Be on the Lookout" meetings concerning certain items of developing and prevalent COVID-19 misinformation on

social media. The invitees included: Twitter 2 from Twitter; Google 3, Google 1, and YouTube 1 from Google; Facebook 1, Facebook 7, Facebook 8, and Facebook 9 from Facebook; Reingold 1 from Reingold; Census 1, Census 2, and Census 3 from the United States Census Bureau (“Census”); and CDC 13, CDC 1, and CDC 3 from CDC.

that misinformation was discussed among other topics. The invitees included: Facebook 1

Facebook 13, Facebook 7, Facebook 3, and Facebook 9 from Facebook; and CDC 8, CDC 2, and CDC 1 from CDC.

[REDACTED] Google 4, YouTube 1, and [REDACTED] Google 5 from Google; [REDACTED] Census 5 and [REDACTED] Census 3 from Census; [REDACTED] Census 1 and [REDACTED] Reingold 1 from Reingold; and [REDACTED] CDC 1, [REDACTED] CDC 13, [REDACTED] CDC 3, [REDACTED] CDC 7, and [REDACTED] CDC 24 [REDACTED] from CDC.

- On March 29, 2022, there was a virtual meeting with Google during which it is likely that misinformation was discussed among other topics. The invitees included: [REDACTED] Google 3 and [REDACTED] Google 4 from Google; and [REDACTED] CDC 25 and [REDACTED] CDC 1 from CDC.
- On March 31, 2021, there was a virtual meeting with Twitter to discuss COVID-19 misinformation. The invitees included: [REDACTED] Census 5 and [REDACTED] Census 3 from Census; [REDACTED] Census 1 and [REDACTED] Reingold 1 from Reingold; [REDACTED] CDC 13, [REDACTED] CDC 3, [REDACTED] CDC 26, [REDACTED] CDC 7, [REDACTED] CDC 24, and [REDACTED] CDC 1 from CDC; and [REDACTED] Twitter 2 and [REDACTED] Twitter 3 from Twitter.
- On November 18, 2021, there was a meeting with Twitter to discuss VAERS as it related to misinformation. The invitees included: [REDACTED] Twitter 2, [REDACTED] Twitter 4, [REDACTED] Twitter 5, and [REDACTED] Twitter 6 from Twitter; and [REDACTED] CDC 1, [REDACTED] CDC 20, [REDACTED] CDC 23, [REDACTED], [REDACTED] CDC 27, [REDACTED] CDC 28, [REDACTED] CDC 12, [REDACTED] CDC 11, and [REDACTED] CDC 29 from CDC.

DHS Subject to and without waiving any of the foregoing objections, and based on a reasonable inquiry under the circumstances of abbreviated, expedited discovery, DHS responds that meetings taking place with the Social-Media Platforms relating to Misinformation include, but are not limited to:

- A recurring meeting usually entitled USG – Industry meeting, which has generally had a monthly cadence, and is between government agencies and private industry. Government participants have included CISA’s Election Security and Resilience team, DHS’s Office of Intelligence and Analysis, the FBI’s foreign influence task force, the Justice Department’s national security division, and the Office of the Director of National Intelligence. Industry participants have included Google, Facebook, Twitter, Reddit, Microsoft, Verizon Media, Pinterest, LinkedIn and the Wikimedia Foundation. The topics discussed include, but are not limited to: information sharing around elections risk, briefs from industry, threat updates, and highlights and upcoming watch outs.
- CISA Cybersecurity Advisory Committee (CSAC) Meetings on December 10, 2021; March 31, 2022; and June 22, 2022. The meeting agendas and summaries, including participants, are available on CISA’s website, <https://www.cisa.gov/cisa-cybersecurity-advisory-committee-meeting-resources>.
- Additional meetings identified in documents, include, but are not limited to:

Date	Title
7/20/20	ASD-HKS Tech Policy Paper Series: Levers in the Online Ad Ecosystem
1/18/22	Google + Digital Forum
3/16/22	DHS/Microsoft Disinformation Follow Up
2/1/22	Meta/DHS/DOJ Engagement re: Human Trafficking

CISA: Subject to and without waiving any of the foregoing objections, and based on a reasonable inquiry under the circumstances of abbreviated, expedited discovery, CISA responds that meetings taking place with the Social-Media Platforms relating to Misinformation include, but are not limited to:

- A recurring meeting usually entitled USG – Industry meeting, which has generally had a

monthly cadence, and is between government agencies and private industry. Government participants have included CISA's Election Security and Resilience subdivision, DHS's Office of Intelligence and Analysis, the FBI's foreign influence task force, the Justice Department's national security division, and the Office of the Director of National Intelligence. Industry participants generally include Google, Facebook, Twitter, Reddit, Microsoft but, have also included Verizon Media, Pinterest, LinkedIn, and the Wikimedia Foundation as well. The topics discussed include, but are not limited to: information sharing around elections risk, briefs from industry, threat updates, and highlights and upcoming watch outs.

- A recurring meeting to prepare for and set the agenda for the USG – Industry meeting, and participants have generally included CISA and Facebook.
- CISA Cybersecurity Advisory Committee (CSAC) Meetings on December 10, 2021; March 31, 2022; and June 22, 2022. The meeting agendas and summaries, including participants, are available on CISA's website, <https://www.cisa.gov/cisa-cybersecurity-advisory-committee-meeting-resources>.
- CISA CSAC, Protecting Critical Infrastructure from Misinformation and Disinformation Subcommittee meetings. The Subcommittee was established for the purpose of evaluating and providing recommendations on potentially effective critical infrastructure related counter-MDM efforts that fit within CISA's unique capabilities and mission. Details about the Subcommittee, including membership, are available on CISA's website, https://www.cisa.gov/sites/default/files/publications/CSAC_Subcommittee_Fact_Sheet_05192022_508c.pdf.
- Meetings convened by the Election Infrastructure Subsector Government Coordinating

From: Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov]
Sent: 4/16/2021 4:25:15 PM
To: Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov]; Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov; [REDACTED]@twitter.com; [REDACTED]@twitter.com; [REDACTED]@twitter.com; [REDACTED]@twitter.com; [REDACTED]@hhs.gov)
CC: Fitzpatrick, Kelsey V. EOP/WHO [REDACTED]@who.eop.gov]; [REDACTED] (HHS/OASH) [REDACTED]@hhs.gov]
Subject: Twitter Vaccine Misinfo Briefing
Location: [REDACTED]
Start: 4/21/2021 2:00:00 PM
End: 4/21/2021 3:00:00 PM
Show Time As: Tentative

Recurrence: (none)

White House Staff will be briefed by Twitter on vaccine misinfo. Twitter to cover trends seen generally around vaccine misinformation, the tangible effects seen from recent policy changes, what interventions are currently being implemented in addition to previous policy changes, and ways the White House (and our COVID experts) can partner in product work.

[The linked im...]

Hi there,

[REDACTED] is inviting you to a scheduled ZoomGov meeting.

Join Zoom Meeting

Phone US: [REDACTED] or
one-tap: [REDACTED]
Meeting [REDACTED]
URL: [REDACTED]
Meeting ID: [REDACTED]
Passcode: [REDACTED]

Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

US: [REDACTED]

Exhibit 17

PATRICK J. CAROME (*pro hac vice* pending)
patrick.carome@wilmerhale.com
ARI HOLTZBLATT (*pro hac vice* pending)
ari.holtzblatt@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue, NW
Washington, D.C. 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363

MARK D. FLANAGAN
CA Bar No. 130303
mark.flanagan@wilmerhale.com
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Attorneys for Plaintiff
TWITTER, INC.

PETER G. NEIMAN (*pro hac vice* pending)
peter.neiman@wilmerhale.com
250 Greenwich St., 45 Floor
New York, New York 10007
Telephone: (212) 295-6487
Facsimile: (202) 663-6363

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(San Francisco Division)**

TWITTER, INC.,

Plaintiff,

V.

KEN PAXTON,

in his official capacity as Attorney

General of Texas,

Defendant.

Case No. 3:21-cv-01644

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

23 ||

1 Plaintiff Twitter, Inc. (“Twitter”) for its Complaint against Ken Paxton, in his official
2 capacity as Attorney General of Texas (“AG Paxton”), hereby alleges as follows:

3 **INTRODUCTION**

4 1. This is an action for declaratory and injunctive relief. Twitter seeks to stop AG
5 Paxton from unlawfully abusing his authority as the highest law-enforcement officer of the State
6 of Texas to intimidate, harass, and target Twitter in retaliation for Twitter’s exercise of its First
7 Amendment rights. The rights of free speech and of the press afforded Twitter under the First
8 Amendment of the U.S. Constitution include the right to make decisions about what content to
9 disseminate through its platform. This right specifically includes the discretion to remove or
10 otherwise restrict access to Tweets, profiles, or other content posted to Twitter. AG Paxton may
11 not compel Twitter to publish such content over its objection, and he may not penalize Twitter for
12 exercising its right to exclude such content from its platform.

13 2. Twitter operates an online platform where users can share short messages
14 (“Tweets”) and other content. Twitter’s hundreds of millions of users send hundreds of millions
15 of Tweets each day. To protect the health and safety of the people who use its platform, as well
16 as the integrity of the site, Twitter has established content moderation policies and procedures.
17 Pursuant to these policies and procedures, Twitter must frequently make difficult real-time
18 decisions regarding whether to remove or otherwise restrict content. In particular, in the months
19 surrounding the January 6, 2021 attack on the United States Capitol, Twitter decided to suspend
20 or restrict numerous accounts for violating its policies against glorifying or inciting violence, and
21 against manipulating or interfering in elections or other civic processes. Among the users whose
22 accounts were permanently suspended in the immediate aftermath of the deadly attack was
23 President Donald Trump.

24 3. AG Paxton has long disagreed with Twitter’s content moderation decisions, and
25 made that displeasure widely known. But this disagreement turned to official action against the
26 company after Twitter suspended President Trump’s account on January 8, 2021. Just five days
27 later, on January 13, 2021, AG Paxton issued a civil investigative demand (“CID”) to Twitter
28 seeking volumes of highly confidential documents concerning Twitter’s internal content

1 preferences going forward. The First Amendment forbids this use of government authority to
2 penalize and inhibit Twitter's speech.

3 62. To prevail on a claim for First Amendment retaliation, a plaintiff must show that
4 “(1) he was engaged in a constitutionally protected activity, (2) the defendant’s actions would chill
5 a person of ordinary firmness from continuing to engage in the protected activity, and (3) the
6 protected activity was a substantial or motivating factor in the defendant’s conduct.” *Pinard v.*
7 *Clatskanie Sch. Dist.* 6J, 467 F.3d 755, 770 (9th Cir. 2006). Once a plaintiff makes such a showing
8 “the defendant can prevail only by showing that the [conduct at issue] would have been initiated
9 without respect to retaliation.” *Nieves v. Bartlett*, 139 S. Ct. 1715, 1725 (2019). AG Paxton’s
10 retaliatory investigation easily meets each prong of this test.

11 63. *First*, Twitter’s content moderation decisions, including its suspension or
12 restriction of a Tweet, constitute First Amendment activity. *See Zhang v. Baidu.com Inc.*, 10 F.
13 Supp. 3d 433 (S.D.N.Y. 2014). Just like a newspaper or bookstore, Twitter provides a platform
14 for disseminating ideas. And, just like a newspaper editor or bookstore owner, Twitter must make
15 decisions about the content that is and is not presented through its platform. The First Amendment
16 protects this “exercise [of] editorial control and judgment.” *Miami Herald v. Tornillo*, 418 U.S.
17 241, 257-258 (1974); *Pittsburgh Press Co. v. Pittsburgh Comm'n on Human Relations*, 413 U.S.
18 376, 391 (1973).

19 64. *Second*, the CID and associated investigation chill Twitter’s speech, and “would
20 chill or silence a person of ordinary firmness from future First Amendment activities.” *Lacey v.*
21 *Maricopa Cty.*, 693 F.3d 896, 916 (9th Cir. 2012) (quoting *Mendocino Envtl. Ctr. v. Mendocino*
22 *Cnty.*, 192 F.3d 1283, 1300 (9th Cir. 1999)). The Attorney General has repeatedly stated his intent
23 to aggressively investigate perceived “anticonservative bias” at Twitter and the rest of “Big Tech.”
24 He has publicly declared that the full machinery of his office is targeted at Twitter, with the
25 transparent intention of pressuring the company (and others similarly situated) into making
26 different decisions about what content to display. Faced with the force of such an investigation,
27 “a person of ordinary firmness” would feel constrained from future exercises of the protected
28 activity that prompted AG Paxton’s assault.

Exhibit 18



← Tweet

Search Twitter

Explore

⚙️ Settings

Kamala Harris

@KamalaHarris

United States government official

...

New to Twitter?

Sign up now to get your own personalized timeline!

Sign up with Google

Sign up with Apple

Sign up with phone or email

By signing up, you agree to the [Terms of Service](#) and [Privacy Policy](#), including [Cookie Use](#).Hey, @jack. Time to do something about this.
twitter.com/realDonaldTrump...This Tweet is from a suspended account. [Learn more](#)

7:35 PM · Oct 1, 2019 · Sprout Social

8,217 Retweets 2,207 Quote Tweets 41.7K Likes



Madam Vice President Harris is THEE ... @flywithka... · Oct 1, 2019 · ...

Replying to @KamalaHarris and @jack

Prosecute the case, Kamala! ↗

14

13

211

Eric @Globalcitzn1 · Oct 1, 2019

She only prosecutes poor people.

16

3

295

[Show replies](#)

robin cohn @kaiandbodhi · Oct 1, 2019

Replying to @KamalaHarris and @jack

A coup is defined as the sudden, violent overthrow of an existing government by a small group. Chief prerequisite for a coup is control of the armed forces, the police, and other military. t-fuck is such a disgrace and embarrassment. He is the one from whom we could expect a coup

27

4

80

This Tweet was deleted by the Tweet author. [Learn more](#)

David Bingenheimer @DavidBingenhei1 · Oct 2, 2019

Twitter needs a laughing response....LOL

1

Mark Clemens @clemens_mark · Oct 1, 2019

Replying to @KamalaHarris and @jack

Trump is sowing chaos and confusion exactly like he promised the Democrats. This is a national fog. Does anyone really know what's real and what's not? Pure Trump

1

1

This Tweet was deleted by the Tweet author. [Learn more](#)[Show replies](#)

KRP @buffalonian4eva · Oct 1, 2019

Replying to @KamalaHarris and @jack

He's endangering all of us

7

1

20

Dax Raven06 @daxravens06 · Oct 1, 2019

Replying to @KamalaHarris and @jack

Y'all RT'd

"It took a hero - a whistleblower willing to risk it all for the truth - to shine a light on the cowards of the Trump era, the ex-generals & the insiders who took the easy path & just followed orders. History will be unkind."
inquirer.com/opinion/comment...

Don't miss what's happening

People on Twitter are the first to know.

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Sign up

[Show more](#)Terms of Service Privacy Policy Cookie Policy
Accessibility Ads info More ...
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Exhibit 19

NION
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The editorial board is a group of opinion journalists whose views are informed by expertise, research, debate and certain longstanding values.



This interview was conducted by the editorial board of The New York Times, which will announce its Democratic primary endorsement on Jan. 19.

Joe Biden commands a boardroom. Meeting with the Times editorial board [Related: What Is an Editorial Board?] on Dec. 16, he moved fluidly among policy issues, though at times he became tangled in his own syntax and fell back on what President Barack Obama famously referred to as his verbal “flourishes.” Mr. Biden said his eight years as vice president and his deep relationships on Capitol Hill, where he represented Delaware in the Senate, would help him step seamlessly back into public office. He promised, “If I’m able to pass what I’m talking about, my administration would go down in history as one of the most progressive administrations in American history.”

example, they talked about how those folks are with us. I met with the — I'm saying too much. What I can't do is be here undercutting [TAPE CUTS OUT].

I had profound disagreements with Gates and the military on this. They know it. I made my case, I won half the fight because we did not put in 150,000 troops, which they wanted to do. In 2009, President Obama ordered the deployment of 30,000 more troops to Afghanistan. As one former Bush administration official who I admire came by to see me, and he said, look, I said, "Am I right about this?" He said, "Yeah." He said, "What happens? We leave. Who's going to know?" The idea that you can unite Afghanistan as a coherent country between among China, Russia, Iran and Pakistan is bizarre. Period. That's been my view from the beginning.

KK: So we're running out of time. I want to ask my colleagues ——

Ask me easy questions, then.

KK: Yeah, we're turning to the easy stuff now. Maybe if we could do one tech question, one econ question, how's that?

Charlie Warzel: Sure. Mr. Vice President, in October, your campaign sent a letter to Facebook regarding an ad that falsely claimed that you blackmailed Ukrainian officials to not investigate your son. I'm curious, did that experience, dealing with Facebook and their power, did that change the way that you see the power of tech platforms right now?

No, I've never been a fan of Facebook, as you probably know. I've never been a big Zuckerberg fan. I think he's a real problem. I think ——

CW: Can you elaborate?

No, I can. He knows better. And you know, from my perspective, I've been in the view that not only should we be worrying about the concentration of power, we should be worried about the lack of privacy and them being exempt, which you're not exempt. [The Times] can't write something you know to be false and be exempt from being sued. But he can. The idea that it's a tech company is that Section 230 should be revoked, immediately should be revoked, number one. For Zuckerberg and other platforms. Section 230 of the Communications Decency Act says that online platforms aren't held liable for things their users post on them, with some exceptions. In July, The Times's Sarah Jeong weighed in on proposed updates to Section 230, arguing that "we should reopen the debate on C.D.A. 230 only because so much of the internet has changed," but "the discourse will be improved if we all take a moment to actually read the text of C.D.A. 230."

CW: That's a pretty foundational laws of the modern internet.

That's right. Exactly right. And it should be revoked. It should be revoked because it is not merely an internet company. It is propagating falsehoods they know to be false, and we should be setting standards not unlike the Europeans are doing relative to privacy. You guys still have editors. I'm sitting with them. Not a joke. There is no editorial impact at all on Facebook. None. None whatsoever. It's irresponsible. It's totally irresponsible.

CW: If there's proven harm that Facebook has done, should someone like Mark Zuckerberg be submitted to criminal penalties, perhaps?

He should be submitted to civil liability and his company to civil liability, just like you would be here at The New York Times. Whether he engaged in something and amounted to collusion that in fact caused harm that would in fact be equal to a criminal offense, that's a different issue. That's possible. That's possible it could happen. Zuckerberg finally took down those ads that Russia was running. All those bots about me. They're no longer being run. In October, a 30-second ad appeared on Facebook accusing Mr. Biden of blackmailing Ukrainian government officials. The ad, made by an independent political action committee, said: "Send Quid Pro Joe Biden into retirement." Mr. Biden's campaign wrote a letter calling on Facebook to take down the ad. He was getting paid a lot of money to put them up. I learned three things. Number one, Putin doesn't want me to be president. Number two, Kim Jong-un thinks I should be beaten to death like a rabid dog and three, this president of the United States is spending millions of dollars to try to keep me from being the nominee. I wonder why.

KK: Under the Obama administration, Silicon Valley's power actually expanded greatly. There are very few mergers blocked. Do you have any regrets about that?

The reason why I was given presidential power when I was given an assignment is because I kept the disagreements I had with the president just that, as I said at the outset, with the president. One of the reasons he said he picked me was I'd never walked in the Oval Office and be intimidated by being in the Oval Office. I'd always tell him what I thought, but at the end of the day, he gets to make the decision.

There are places where he and I have disagreed. About 30 percent of the time, I was able to convince him to my side of the equation. Seventy percent of the time I wasn't when we disagreed, when he laid something out. And you may recall, the criticism I got for meeting with the leaders in Silicon Valley, when I was trying to work out an agreement dealing with them protecting intellectual property for artists in the United States of America. And at one point, one of the little creeps sitting around that table, who was a multi- — close to a billionaire — who told me he was an artist because he was able to come up with games to teach you how to kill people, you know the ——

CW: Like video games.

Yeah, video games. And I was lectured by one of the senior leaders there that by saying if I insisted on what Leahy'd put together and we were, I thought we were going to fully support, that they would blow up the network, figuratively speaking. Have everybody contact. They get out and go out and contact the switchboard, just blow it up.

And then one of these righteous people said to me that, you know, "We are the economic engine of America. We are the ones." And fortunately I had done a little homework before I went and I said, you know, I find it fascinating. As I added up the seven outfits, everyone's there but Microsoft. I said, you have fewer people on your payroll than all the losses that General Motors just faced in the last quarter, of employees. So don't lecture me about how you've created all this employment.

The point is that you can arrogate about it, an overwhelming arrogance that we are, we are the ones. We can do what we want to do. I disagree. Every industrial revolution, every major technological breakthrough, every single one. We're in the fourth one. The hardest speech I've ever had to make in my life, I was asked to speak at the World Economic Forum, to give an answer on, to speak to the fourth industrial revolution. Will there be a middle class? It's not so clear there will be, and I've worked on it harder than any speech I've ever worked on.

The fact is, in every other revolution that we've had technologically, it's taken somewhere between six years and a generation for a government to come in and level the playing field again. All of a sudden, remember the Luddites smashing the machinery in the Midlands? That was their answer when the culture was changing. Same thing with television. Same thing before that with radio. Same thing, but this is gigantic. And it's a responsibility of government to make sure it is not abused. Not abused. And so this is one of those areas where I think it's being abused. For example, the idea that he cooperates with knowing that Russia was engaged in dealing with using the internet, I mean using their platform, to try to undermine American elections. That's close to criminal.

CW: I think he would argue that he didn't know about that at the time and ——

He'd argue it and I don't believe him for a second.

CW: You don't believe that?

No, I don't. Nor do you, in your heart. [LAUGHS]

CW: Some of your opponents right now are in Silicon Valley raising money from these people. Has your campaign steered away from money from Silicon Valley?

I haven't gone to — there are people in Silicon Valley who are decent people. I'm sure there's people from Silicon Valley have in fact ——

CW: I am using that as a stand-in for the tech industry, mostly though.

Well the tech industry, look, not everyone in the tech industry is a bad guy, and I'm not suggesting that. What I'm suggesting is that some of the things that are going on are simply wrong and require government regulation. And it's happened every single time there's been a major technological breakthrough in humanities since the 1800s, and this requires it. For example, you have children?

CW: No.

Well, when you do and you'll watch them on the internet, it gets a little concerning. What in fact they can see and not see, and whether or not what they're seeing is true or not true. It matters. It matters. It's like — well, anyway.

KK: Will you indulge us two more questions? There were, in fact, several questions we wish we had gotten to. Pushing on Mr. Biden's economic proposals more deeply, for one. But immigration was notably absent, too. While Mr. Obama said that he supported comprehensive

Exhibit 20

How Big Tech Is Strangling Your Freedom

A conversation with entrepreneur and investor David Sacks on protecting civil liberties in the digital public square.



Bari Weiss

Mar 29



Twitter co-founder Jack Dorsey on stage in India in November 2018.

(Prakash Singh/ AFP via Getty Images)

David Sacks is a paradox. The entrepreneur and venture capitalist helped lay the foundations of the digital world we now live in: He was one of the members of what's known as the PayPal Mafia, alongside people like Peter Thiel, Elon Musk and Max Levchin. He's also been an

early investor in some companies you may have heard of: Airbnb, Facebook, Slack, SpaceX, Twitter, Uber.

At the same time, he is something of a whistleblower from inside the world of tech. If you've read [David's essays](#) for Common Sense—and if not, now's a great time to [revisit](#) them—he believes that Big Tech has far too much power. The fact that a handful of billionaires get to decide what we are (and aren't) allowed to say in the digital public square is something that the Framers would have been repelled by—and that all Americans should oppose.

Today on Honestly I spoke to David about the rise of America's social credit system and how we can defend our civil liberties in the age of the internet. Among other things, he makes the provocative argument that we should strengthen the notion that discrimination based on "creed" means discriminating based on a person's political views.



If you listen to the whole thing you'll hear David on Russia, crypto, and much more. But if you remain pod-resistant, enjoy the highlights below. — BW

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On America's social credit system:

BW: You have been making the case better than anyone else that, despite the fact that we live in a liberal democracy with a Bill of Rights and a Constitution and a First

Amendment, whether most Americans are aware of it or not we also are living inside a soft version of a social credit system. So for the people who hear that and think: ‘That’s ridiculous. This isn’t China.’ I want you to make the case.

DS: Let’s start by defining what a social credit system is. A social credit system is a system that pretends to give you civil liberties and freedom. It doesn’t overtly send you to the gulag for expressing dissent. Rather, it conditions the benefits of society—economic benefits, the ability to spend your money—on having the correct opinions. If you don’t, then your ability to participate in online platforms is diminished or curtailed entirely. That’s the situation that we are gradually heading towards.

Back in the days when we were creating PayPal, in the early 2000s and late ‘90s, there was really a sense that technology and the internet would expand people’s ability to engage in speech and commerce. And for the first two decades of the internet, it really did. But for the last half-dozen years or so, we’ve really been restricting that access and trying to curtail it. The power of restricting people in both speech and commerce has taken on a life of its own. Those restrictions keep growing.

I’m not the one who’s changed. Big Tech changed. I didn’t leave Big Tech. Big Tech left me.

BW: When did you start to see the change?

DS: If you go back to the Arab Spring and the Green Revolution there was generally a sense of triumphalism. Back then, the CEO of Twitter said that we are the [free speech wing of the free speech party](#). That’s how Silicon Valley saw itself. Ten years later, you have the widespread view that Silicon Valley needs to restrict and regulate disinformation and prevent free speech on its platform. You’d have to say that the turning point was 2016, when Trump got elected against the wishes of pretty much everyone in Silicon Valley. That was a little too much populism for them. And they saw social media as being complicit in Trump’s election.

BW: So the populism of the Arab Spring or in the Green Revolution was good. But the populism of Trump was not.

DS: Yes. It was a message they very much didn’t want to hear. So they began to believe that the message was somehow inauthentic. That it was engineered by Russian

disinformation, and that their platforms had contributed to it and that they needed to crack down and restrict free speech so that it never happened again.

Regardless of what you think about Trump, I think that was just the wrong message to draw from that election. I think Trump won because, quite frankly, the Democrats fielded a horrible candidate. He narrowly won—it was less than a hundred thousand votes in a few key swing states in which Hillary Clinton barely campaigned. But rather than blame her or her campaign managers for running a bad campaign, they blamed social media and themselves for what happened and how. Since then, they have been backpedaling on the idea of free speech.

On deplatforming and Silicon Valley's speech cartel:

BW: Let's talk about deplatforming, which some have compared to having your "digital tongue ripped out."

The first major case of deplatforming I remember was Alex Jones in 2018. First, Facebook removed all of Alex Jones's content, saying he had glorified violence and violated their hate speech policies. Within days, Apple, Spotify and eventually YouTube, where Jones had millions of followers, followed suit. Jones was the guy who said that the Sandy Hook shooting was a hoax, that the murdered children were crisis actors. What the parents of those children have lived through because of his conspiracies is unspeakable. So most people I know thought: Good riddance. Why should this guy have the ability to make money off of YouTube ads? Tell us why it was wrong for people to cheer.

DS: Because censorship always starts as something people like. And then it turns into something that they don't. It starts with censoring somebody who's widely hated saying outrageous things, but eventually it gets used on somebody who you yourself like. That's what we've seen over the last several years. Censorship power keeps growing. It keeps getting applied to more and more cases.

The most recent example was before the 2020 election. You had reporting come out from the New York Post about Hunter Biden's business dealings in Ukraine. It has now come out that this story was entirely true. Yet it was labeled disinformation and censored from

social media networks so that the American people could not take it into account before the election.

Or think about Covid. For over a year the lab-leak theory was censored. Now, the lab-leak theory is widely regarded as either the most likely theory or at least tied with the so-called zoonotic theory for the origins of Covid. And yet people who espoused that theory, scientists who were acting in good faith on social networks on YouTube, were censored for having that opinion.

BW: You've used the word cartel to describe how these companies operate. Typically, people hear the word cartel and they think of mustache-twirling evil guys in smoke-filled rooms. Explain to us what you mean by that word.

DS: A cartel is an economic term that refers to when companies that are supposed to be competitive with each other instead act in concert. You see this with regard to price fixing, for example: two companies that are supposed to be competing with each other actually come together or signal to each other that this is what the price should be, and they basically agree not to compete on that dimension. What a cartel does is effectively create a monopoly even though there may be multiple players in the market.

What's happening in the case of speech is that you have all these big tech companies coming together and acting in the same way. They all implement the same policy with regard to censoring speech. They all kick the same people off their platform. So even though they're supposed to be competing with each other, even though competition should be driving them to want to appeal to a larger and larger audience and not kick people off, they do.

The person who admitted this was the case was Jack Dorsey in January of 2021. Twitter was the first to kick Donald Trump off. And what Dorsey said was that Twitter did not realize what a backlash it would cause by de-platforming a sitting president of the United States. He said: We thought we were just acting on our own, and there are plenty of other places that Donald Trump could go to get his free speech. But then what happened? All the other sites followed suit. And it became like the action of a government because everybody started doing it.

Dorsey described well the process by which this happens, which is one of these big tech companies takes the lead, and then all the others follow suit. It's like signaling. And it becomes like a speech blockade. And when each company basically joins the blockade, the pressure grows on every other company to do the same thing. Otherwise, they're subject to a boycott or a rage mob on Twitter. They're basically pressured into it. The pressure keeps growing on all the others to do the same thing. The thing that's very vexing about the problem is it appears to be decentralized. It's not like there's one centralized actor. But the collective effect is that they all do it.

BW: I want to understand why or how it happens. Are the people running these companies all on a Signal group together? Why are they all deciding to make the same choice?

DS: The pressure comes from both above and below. You've got the United States Senate basically saying: 'Nice little social network you got there. Real shame for anything to happen to it.' So that's pressure that's coming from Washington. You've got the coercion of private companies by these enormously powerful people in government who are using the levers of government power to conduct antitrust lawsuits against them, to push bills through Congress to break them up, or otherwise harm their businesses. That's what's going on from above.

From below, you've got the employees and the tweet mobs and basically forming these boycotts and subjecting the management of the company to pressure.

It would take a very strong leader to stand up to these pressures. And corporate executives tend not to have a tremendous amount of spine to begin with. But then, on top of it, they're somewhat sympathetic to the ideology, and the result is they just give in.

BW: I think the sympathetic view of the CEOs in charge of these companies is that they're somehow being held hostage. But you're actually saying that they're kind of sympathetic to the new, radical ideology themselves.

DS: They're part of the same political elite. They all drink from the same monocultural fountain. They all went to the same universities.

DS: I think we're probably going to need something like that. The fundamental American principle is that you can't discriminate against someone because of their race, color or creed. Historically, creed has not necessarily meant political ideology, but I think it may need to. If we don't create some kind of protection, discrimination against people on the basis of their political views is going to continue.

It would be possible to create a social media moderation policy that is rooted in First Amendment principles. That way, at least social media moderation will be grounded in case law that's been developed over decades by the Supreme Court as opposed to being made up by these social networks as they please.

Build your own Facebook?

BW: What do you say to the people who argue: If you don't like the way YouTube conducts itself, if you don't like the way Facebook conducts itself, no problem. Go make another one. Why is that not an acceptable solution to this problem?

DS: This is what you heard when Twitter and Facebook banned Trump. Their argument was: Go to a different app. And then Apple and Google banned Parler, which was the different app. And then the argument was, Well, that's not censorship. Just go create a website. And then Amazon Web Services started banning websites. So, at some point, when are you going to say this is an undue imposition on free speech? What am I supposed to do? Go create my own internet? All I wanted to do was post a tweet. Let's not be obtuse to the power of these monopolies. I think people are being selectively oblivious to the network effects.

BW: We hear that phrase a lot: network effects. What does it mean?

DS: A network-effect business is one where the value of the service increases with the number of users. So if you think about Twitter or Facebook or the phone company, the more people who are on the service, the more value it has to everybody else. The value actually increases exponentially because the number of connections that can be made increases exponentially every time someone joins the service. If you or I want to create our own Twitter clone, it'll be very, very hard to do that because nobody else will be on it. So you have this huge chicken and egg problem. This is why these social networks are

so powerful. They've got these huge network effects based on the fact that everybody is already on them, and it gets very, very hard to try and create a competing one.

From deplatforming to debanking:

BW: It used to be that we'd hear a lot about deplatforming. Now, increasingly, we are hearing about debanking. What does it mean?

DS: It means that you are denied access to a financial service—your access to your money or to your ability to conduct a transaction or to pay people—based on your political views. All of that gets restricted because your views are deemed unacceptable by the people who run these services.

BW: Give us an example. Maybe we can use the company you helped build, PayPal, and its creation of what you've called their no-buy list, a play on the idea of a no-fly list.

DS: Back in the early days, we believed that our mission was to expand access to the financial system. Today PayPal, under new management, is working to deny people access. They've actually partnered with a couple of left-wing partisan groups, including the Anti-Defamation League and the Southern Poverty Law Center, to create lists of users and groups to ban from the platform. They've actually announced this. They're proud of this.

Now, these are groups with a storied history. I think they did very good work historically in the past.

BW: It's the same phrase you used before. I didn't leave the ADL, the ADL left me.

DS: Right, exactly. They used to be fairly bipartisan or nonpartisan in their denunciation of antisemitism. But the ADL has changed. It's under new management, and they've broadened their portfolio from antisemitism to cover anything they consider to be hateful or extremist. And their definition of extremism is basically anything that disagrees with conventional Democratic Party politics or orthodoxy. So the ADL opposed the Supreme Court nomination of Brett Kavanaugh. It basically partnered with Al Sharpton to boycott Facebook for allowing hate speech on their platform, which is pretty amazing given Al Sharpton's history. The point is that the ADL now is using their historical capital and applying it to all these fairly conventional political debates. So

Exhibit 21

SPECIAL REPORT: The Stealing of the Presidency, 2020

Rich Noyes November 24th, 2020 1:00 PM

Text to Speech

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The left-wing news media didn't just poison the information environment with their [incessantly negative coverage](#) of President Trump going into the 2020 election. They also refused to give airtime to important arguments of the Republican campaign — both pro-Trump and anti-Biden — which meant millions of voters cast their ballots knowing only what the media permitted them to know about the candidates.

To measure the true effect of the media's censorship on the election, the Media Research Center asked The Polling Company to [survey 1,750 Biden voters in seven swing states](#) (Arizona, Georgia, Michigan, Nevada, North Carolina, Pennsylvania and Wisconsin), six of which (all but North Carolina) were called for Biden (survey details below). We tested these voters' knowledge of eight news stories — all important topics that our ongoing analysis had shown the liberal news media had failed to cover properly. We found that a huge majority (82%) of Biden voters were unaware of at least one of these key items, with five percent saying they were unaware of all eight of the issues we tested.

This lack of information proved crucial: One of every six Biden voters we surveyed (17%) said they would have abandoned the Democratic candidate had they known the facts about one or more of these news stories. A shift of this magnitude would have changed the outcome in all six of the swing states won by Joe Biden, and Donald Trump would have comfortably won a second term as president.

Here's what we found:

- **Burying Biden's Bad News:** The media's [censorship of Biden's scandals](#) had the strongest impact on this year's election. According to our survey, more than one-third of Biden voters (35.4%) were unaware of the serious allegations brought against the Democratic nominee by Tara Reade, a former staffer who said Biden sexually assaulted her in the 1990s.

If they had known about Tara Reade's sexual assault allegations, 8.9% told us they would have changed their vote — either switching to Trump or a 3rd party candidate, not voting for any presidential candidate, or not voting at all.

By itself, this would have flipped all six of the swing states won by Biden (Arizona, Georgia, Michigan, Nevada, Pennsylvania and Wisconsin), giving the President a win with 311 electoral college votes.

Even more Biden voters (45.1%) said they were unaware of the financial scandal enveloping Biden and his son, Hunter (a story infamously censored by [Twitter](#) and [Facebook](#), as well as [ignored by the liberal media](#)). According to our poll, full awareness of the Hunter Biden scandal would have led 9.4% of Biden voters to abandon the Democratic candidate, flipping all six of the swing states he won to Trump, giving the President 311 electoral votes.

The ticket's left-wing ideology was another issue [barely mentioned](#) by the national press. A [GovTrack analysis](#) found Biden's running mate, California Senator Kamala Harris, had the most left-wing record of any Senator in 2019 (even more than self-described socialist Bernie Sanders). Our poll found that 25.3% of Biden voters said they didn't know about Senator Harris's left-wing ideology. If voters had the complete story, it would have led 4.1% of Biden voters to change their vote, flipping Arizona, Georgia, Nevada, Pennsylvania and Wisconsin to Trump. The result would have been a Trump victory, with 295 electoral college votes.





POST-ELECTION SURVEY OF 1,750 BIDEN VOTERS IN 7 SWING STATES

	Percent Unaware	Shift Away from Biden
Biden Sex Assault Allegations	35.4%	8.9%
Hunter Biden Scandal	45.1%	9.4%
Harris Most Leftist Senator	25.3%	4.1%
33.1% Economic Growth	49.0%	5.6%
Created 11.1 Million Jobs	39.4%	5.4%
Middle East Peace Deals	43.5%	5.0%
U.S. Energy Independence	50.5%	5.8%
Operation Warp Speed	36.1%	5.3%
TOTAL (Unaware of at least one)	82%	17%



mrc

Based on MRC/Polling Company survey of 1,750 actual Biden voters in AZ, GA, MI, NV, NC, PA and WI. Nov 9-18, 2020

■ **Hiding Trump's Successes:** The liberal media also prevented many Biden voters from learning about record-breaking positive economic news in the months leading up to the election. The [five pre-election jobs reports](#) from June 5 to October 2 showed a record 11,161,000 jobs were created in the extraordinary snapback from the pandemic recession. Yet a large number of Biden voters (39.4%) said they didn't know about this achievement. If they had, 5.4% said they would have changed their vote; this would have swung Arizona, Georgia, Nevada, Pennsylvania and Wisconsin to Trump, who would have won with 295 electoral votes.

On October 29, the government reported a [huge jump in economic growth](#) — 33.1% on an annual basis, double the previous record. Yet nearly half of Biden voters (49.0%) said they had no idea about this record-breaking achievement. Armed with that information, 5.6% said they would have changed their vote, swinging Arizona, Georgia, Nevada, Pennsylvania and Wisconsin and a total of 295 electoral votes to Trump.

We saw the same effect when it came to foreign policy. The President and his team made history by [brokering peace agreements](#) with Israel and several of her Arab neighbors — one reason Trump received [three nominations for the Nobel Peace Prize](#). Yet 43.5% of Biden voters had no idea about these historic agreements. The information would have led five percent of overall Biden voters to change their vote, putting Trump in front in Arizona, Georgia, Nevada, Pennsylvania and Wisconsin, for a total of 295 electoral votes.

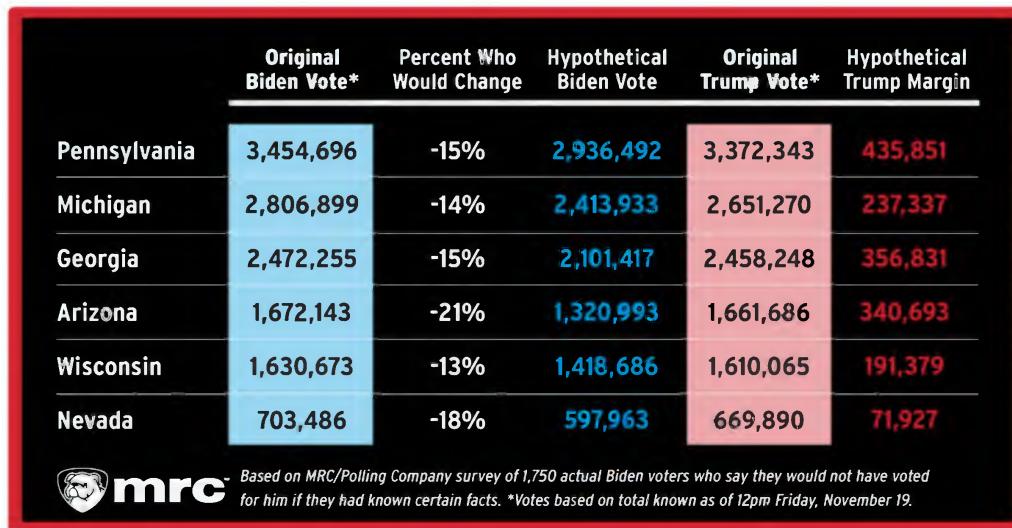
[Energy independence](#) was another Trump success. The President took action to start long-stalled pipeline projects and expand drilling offshore and in the Arctic, and it paid off with America becoming a net exporter of oil for the first time in September 2019. More than half (50.5%) of Biden voters said they did not know about this important accomplishment, either. If the information was known by all, 5.8% of Biden's voters say they would have changed how they voted. This would have



One important issue that did get a lot of coverage in 2020: the coronavirus pandemic. But what made the news every night was **criticism of the President and his administration**. Lost in the blistering barrage of bad news were successes such as Operation Warp Speed, which even before the election was well on track to deliver 300,000,000 doses of a safe vaccine as soon as next year.

Our poll found 36.1% of Biden voters said they did not know about the administration's key role in promoting vaccine research through Operation Warp Speed. If they had, 5.3% told us they would have abandoned Biden, flipping Arizona, Georgia, Nevada, Pennsylvania and Wisconsin, giving the President 295 electoral votes.

■ **Putting It All Together:** Looking at all eight of these issues together, our poll found that a total of 17% of Biden's voters told us they would have changed their vote if they had been aware of one or more of these important stories. This would have moved every one of the swing states into Trump's column, some by a huge margin. The President would have trounced Biden in the electoral college, 311 to 227.



In Pennsylvania, 15% of Biden voters said they would have defected. Using the reported vote totals as of noon on November 19, this would have reduced his total by 518,204 votes, flipping the state to Trump. In Michigan, the percentage who would have left Biden was 14%, deducting 392,966 from his tally and flipping that state, too.

In Georgia, 15% of Biden's voters say they would have defected based on full information, taking 370,838 votes out of his column, and putting Trump comfortably ahead. In Arizona, 21% say they would have changed their vote, deducting 351,150 from Biden's column and putting Trump in front there, too.

In Wisconsin, Biden would have lost 13% of his voters, taking away 211,987 from his column. In Nevada, the percentage of those who would have left Biden was 18%, or 126,627 voters. Such a shift would have put both of those states in Trump's column, too.

[In the final state we polled, North Carolina, 21% of Biden's voters say they would have changed their minds, deducting 563,703 votes from his total and significantly bolstering Trump's margin of victory in that state.]

It's important to note that not all of these voters would have switched to President Trump, of course (although about 6% of Biden's voters say that's exactly what they would have done). Just by choosing to abandon Biden, these voters would have handed all six of these states, and a second term, to the President — ***if the news media had properly informed them about the two candidates.***

The most basic principle of our electoral system is that our leaders are chosen by the people themselves. But if the people are given systematically one-sided information, with crucial facts omitted, then the real power to choose has been stolen from them.

This unique study of the media and voters suggests that's exactly what happened in 2020.

For this report, The Polling Company conducted a national survey of 1,750 individuals living in Arizona, Georgia, Michigan,

Exhibit 22

ELECTION 2020

Kamala Harris Wants to Be Your Online Censor-in-Chief

Resist when politicians declare that speech (even radical speech) is a "threat to our democracy."

SCOTT SHACKFORD | 5.7.2019 2:05 PM



(Ron Sachs/picture alliance / Consolidated/Newscom)

Sen. Kamala Harris is making the potential punishment of social media platforms that don't censor what she sees as hateful speech a focal point of her presidential campaign.

In a speech in Detroit before the National Association for the Advancement of Colored People (NAACP), Harris discussed the growth of domestic terrorism in the United States (and elsewhere), and how those attackers used or embraced radically violent ideas on social media.

Harris wants social media to do more to stop such ideas from being expressed and spread online. It's not clear what she thinks the companies should specifically do, but she's definitely laying the blame on Facebook and Twitter and YouTube for the existence and proliferation of angry people online. Here's the full quote from her speech:

We will hold social media platforms responsible for the hate infiltrating their platforms, because they have a responsibility to help fight against this threat to our democracy. And if you profit off of hate—if you act as a megaphone for misinformation or cyberwarfare, if you don't police your platforms—we are going to hold you accountable as a community.

It's meaningless anger that feels deliberately substance-free because, really, what she wants with her prosecutor background is to force compliance with whatever rules she puts into place and use the threat of punishment to shut down resistance.

But we know from the horrifying Christchurch, New Zealand, mass murder that these social media platforms were trying as hard as they could to remove videos the shooter was livestreaming and to take down copies as soon as they were posted.

By blaming social media platforms, Harris is confusing the symptom (online expression of violent ideas) with the actual problem (the cultural expansion of more overt desires to punish and hurt the "other"). But the thing about social media platforms is that they are the creations of tangible companies. Harris' mindset is that the threat of punishment is a tool to force compliance to whatever goals she sees as serving "the community," as she defines it. Just ask California parents who were threatened with jail time because of her support for criminal truancy laws when she was a district attorney in San Francisco, and then again later when she was attorney general. She didn't *want* to send parents to jail, mind you. But she was willing to use the law to allow that to happen in order to achieve the goal she wanted.

And we know that Harris already has a record of trying to punish online companies for speech she doesn't approve of. She attempted to bring pimping charges against the publishers of Backpage to try to punish them for sex-trafficking advertisements that appeared on the site.

In this case, her goal is logically unrealistic. Online communication platforms aren't like newspapers or television shows or radio programs. It's not feasible to expect that social media platforms will be able to accomplish what Harris wants. Instead, her agenda would result in a massive regime of censorship with unpredictable behavior that inspires outrage from those who get targeted. Government-mandated censorship does not lead to peaceful, democratic societies. It leads to anger and rebellion.

We should all be horrified that a candidate for president of the United States believes that unfettered speech is a threat to democracy. But there is some good news: namely, a distinct lack of reaction from the audience. This was a friendly crowd. Her speech was seeded with applause lines, and the listeners typically obliged. But after the above quote (about two-thirds of the way through the speech) there was mostly silence from what I could hear. One person sounded like they shouted words of support. You can listen to yourself here (it's about 12:30 minutes in).

I wouldn't necessarily make too much of the lack of response, but it's perhaps a good indicator that while the desire to control or punish social media platforms may be in the front of politicians' minds, it is not necessarily something that animates the public. Of course, politicians would be the first to benefit from the power to control what messages are allowed on social media—all in the name of protecting "democracy."

Exhibit 23

Nancy Pelosi warns tech companies that Section 230 is 'in jeopardy'

Taylor Hatmaker @tayhatmaker / 2:35 PM CDT • April 12, 2019

 Comment



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In a new interview with [Recode](#), House Speaker Nancy Pelosi made some notable comments on what by all accounts is the [most important law](#) underpinning the modern internet as we know it.

[Section 230 of the 1996 Communications Decency Act](#) is as short as it is potent — and it's worth getting familiar with. It states "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider."

When [asked about Section 230](#), Pelosi referred to the law as a "gift" to tech companies that have leaned heavily on the law to grow their business. That provision, providing tech platforms legal cover for content created by their users, is what allowed services like Facebook, YouTube and many others to swell into the massive companies they are today.

Pelosi continued:

It is a gift to them and I don't think that they are treating it with the respect that they should, and so I think that that could be a question mark and in jeopardy... I do think that for the privilege of 230, there has to be a bigger sense of responsibility on it. And it is not out of the question that that could be removed.

Expect to hear a lot more about Section 230. In recent months, a handful of Republicans in Congress have taken aim at the law. Section 230 is what's between the lines in [Devin Nunes' recent lawsuit](#) accusing critics for defaming him on Twitter. It's also the extremely consequential subtext beneath [conservative criticism](#) that Twitter, Facebook and Google do not run "neutral" platforms.

While the idea of stripping away Section 230 is by no means synonymous with broader efforts to regulate big tech, it is the nuclear option. And when tech's most massive companies behave badly, it's a reminder to some of them that their very existences hinge on 26 words that Congress giveth and Congress can taketh away.

Whatever the political motivations, imperiling Section 230 is a fearsome cudgel against even tech's most seemingly untouchable companies. While it's not clear what some potentially misguided lawmakers would stand to gain by dismantling the law, Pelosi's comments are a reminder that tech's biggest companies and users alike have everything to lose.



Building a startup or looking for your next deal? We have you covered.

Exhibit 24



POLITICS

'They should be held accountable': White House reviews platforms' misinformation liability



Matthew Brown

USA TODAY

Published 9:42 a.m. ET July 20, 2021 | Updated 8:06 p.m. ET July 20, 2021

Key Points

Section 230 protections for social media companies is under review, related to COVID misinformation.

Communications director Kate Bedingfield says the White House: 'they should be held accountable.'

Tensions have run high between White House, Facebook since commands from surgeon general, Biden.

WASHINGTON – The White House is assessing whether social media platforms are legally liable for misinformation spread on their platforms, White House communication director Kate Bedingfield said Tuesday.

"We're reviewing that, and certainly, they should be held accountable," she confirmed during an interview on MSNBC's "Morning Joe."

Bedingfield specified the White House is examining how misinformation fits into the liability protections granted by Section 230 of the Communications Decency Act, which shields online platforms from being responsible for what is posted by third parties on their sites.

President backpedals: Biden reverses course on Facebook, says platform isn't 'killing people' with vaccine misinformation

Relations are tense between the Biden administration and social media platforms, specifically Facebook, over the spread of misinformation online.

Misconceptions and distrust of information about the coronavirus and vaccines have hindered the country's pandemic response, a challenge the administration is determined to address.

True or false? Biden said COVID-19 vaccine misinformation on social media is 'killing people.' These are the biggest myths spreading online.

Friday, President Joe Biden said Facebook is "killing people," an assertion he softened Monday. Other officials within the administration have expressed public frustration that misinformation and vaccine hesitancy has created a "pandemic of the unvaccinated."

The White House resisted claims that it is trying to direct the moderation of content on Facebook, though aides, including Surgeon General Vivek Murthy, said they are in "regular contact" with social media platforms about content posted on their sites.

"We are not at war with any social media platform, we are at war with the virus," White House press secretary Jen Psaki said Monday during a briefing. The White House has not asked Facebook to take down any individual social media posts, she said, but the administration monitors publicly available data on what is trending on the platform.

"It's up to social media platforms to determine what their application is of their own rules and regulations," she said.

Follow Matthew Brown online @mrbrownsir.

Is banning Trump from Facebook a First Amendment issue? Clarence Thomas, other conservatives say it is

Exhibit 25

<https://www.wsj.com/articles/save-the-constitution-from-big-tech-11610387105>

OPINION COMMENTARY

Save the Constitution From Big Tech

Congressional threats and inducements make Twitter and Facebook censorship a free-speech violation.

Ramaswamy and Jed Rubenfeld

2:45 pm ET



Facebook and Twitter banned President Trump and numerous supporters after last week's disgraceful Capitol riot, and Google, Apple and Amazon blocked Twitter alternative Parler—all based on claims of “incitement to violence” and “hate speech.” Silicon Valley titans cite their ever-changing “terms of service,” but their selective enforcement suggests political motives.

Conventional wisdom holds that technology companies are free to regulate content because they are private, and the First Amendment protects only against government censorship. That view is wrong: Google, Facebook and Twitter should be treated as state actors under existing legal doctrines. Using a combination of statutory inducements and regulatory threats, Congress has co-opted Silicon Valley to do through the back door what government cannot directly accomplish under the Constitution.

It is “axiomatic,” the Supreme Court held in *Norwood v. Harrison* (1973), that the government “may not induce, encourage or promote private persons to accomplish what it is constitutionally forbidden to accomplish.” That’s what Congress did by enacting Section 230 of the 1996 Communications Decency Act, which not only permits tech companies to censor constitutionally protected speech but immunizes them from liability if they do so.

The justices have long held that the provision of such immunity can turn private action into state action. In *Railway Employees’ Department v. Hanson* (1956), they found state action in private union-employer closed-shop agreements—which force all employees to join the union—because Congress had passed a statute immunizing such agreements from liability under state law. In *Skinner v. Railway Labor Executives Association* (1989), the court again found state action in private-party conduct—drug tests for company employees—because federal regulations immunized railroads from liability if they conducted those tests. In both cases, as with Section 230, the federal government didn’t mandate anything; it merely pre-empted state law, protecting certain private parties from lawsuits if they engaged in the conduct Congress was promoting.

Section 230 is the carrot, and there’s also a stick: Congressional Democrats have repeatedly made explicit threats to social-media giants if they failed to censor speech those lawmakers disfavored. In April 2019, Louisiana Rep. Cedric Richmond warned Facebook and Google that they had “better” restrict what he and his colleagues saw as harmful content or face regulation: “We’re going to make it swift, we’re going to make it strong, and we’re going to hold them very accountable.” New York Rep. Jerrold Nadler added: “Let’s see what happens by just pressuring them.”

Such threats have worked. In September 2019, the day before another congressional grilling was to begin, Facebook announced important new restrictions on “hate speech.” It’s no accident that big tech took its most aggressive steps against Mr. Trump just as Democrats were poised to take control of the White House and Senate. Prominent Democrats promptly voiced approval of big tech’s actions, which Connecticut Sen. Richard Blumenthal expressly attributed to “a shift in the political winds.”

For more than half a century courts have held that governmental threats can turn private conduct into state action. In *Bantam Books v. Sullivan* (1963), the Supreme Court found a First Amendment violation when a private bookseller stopped selling works state officials deemed “objectionable” after they sent him a veiled threat of prosecution. In *Carlin Communications v. Mountain States Telephone & Telegraph Co.* (1987), the Ninth U.S. Circuit Court of Appeals found state action when an official induced a telephone company to stop carrying offensive content, again by threat of prosecution.

As the Second Circuit held in *Hammerhead Enterprises v. Brezenoff* (1983), the test is whether “comments of a government official can reasonably be interpreted as intimating that some form of punishment or adverse regulatory action will follow the failure to accede to the official’s request.” Mr. Richmond’s comments, along with many others, easily meet that test. Notably, the Ninth Circuit held it didn’t matter whether the threats were the “real motivating force” behind the private party’s conduct; state action exists even if he “would have acted as he did independently.”

Either Section 230 or congressional pressure alone might be sufficient to create state action. The combination surely is. Suppose a Republican Congress enacted a statute giving legal immunity to any private party that obstructs access to abortion clinics. Suppose further that Republican congressmen explicitly threatened private companies with punitive laws if they fail to act against abortion clinics. If those companies did as Congress demands, then got an attaboy from lawmakers, progressives would see the constitutional problem.

Republicans including Mr. Trump have called for Section 230's repeal. That misses the point: The damage has already been done. Facebook and Twitter probably wouldn't have become behemoths without Section 230, but repealing the statute now may simply further empower those companies, which are better able than smaller competitors to withstand liability. The right answer is for courts to recognize what lawmakers did: suck the air out of the Constitution by dispatching big tech to do what they can't. Now it's up to judges to fill the vacuum, with sound legal precedents in hand.

Liberals should worry too. If big tech can shut down the president, what stops them from doing the same to Joe Biden if he backs antitrust suits against social-media companies? Our Framers deeply understood the need for checks and balances in government. They couldn't anticipate the rise of a new Leviathan with unchecked power to make extraconstitutional political judgments under the mantle of private enterprise.

American democracy is under siege from Silicon Valley's political plutocracy. Next week Mr. Trump will be a private citizen without a Twitter account. Our new class of corporate monarchs will still control whether and how Americans can hear from the president—or anyone else. We have devolved from a three-branch federal government to one with a branch office in Silicon Valley. But there's no democratic accountability for Jack Dorsey and Mark Zuckerberg.

Hard cases make bad law, and Mr. Trump presented America with a hard case last week. The breach of the Capitol is a stain on American history, and Silicon Valley seized on the attack to do what Congress couldn't by suppressing the kind of political speech the First Amendment was designed to protect.

There's more at stake than free speech. Suppression of dissent breeds terror. The answer to last week's horror should be to open more channels of dialogue, not to close them off. If disaffected Americans no longer have an outlet to be heard, the siege of Capitol Hill will look like a friendly parley compared with what's to come.

Ordinary Americans understand the First Amendment better than the elites do. Users who say Facebook, Twitter and Google are violating their constitutional rights are right. Aggrieved plaintiffs should sue these companies now to protect the voice of every American—and our constitutional democracy.

Mr. Ramaswamy is founder and CEO of Roivant Sciences and author of the forthcoming book "Woke Inc." Mr. Rubenfeld, a constitutional scholar, has advised parties who are litigating or may litigate against Google and Facebook.

Appeared in the January 12, 2021, print edition as 'Save the Constitution From Big Tech'.

Exhibit 26

Twitter, Inc. (TWTR)

NYSE - Nasdaq Real Time Price. Currency in USD

Follow

Visitors trend 2W 10W 9M

Quote Lookup

41.49 -0.19 (-0.44%)

As of 09:45AM EDT. Market open.

[Summary](#) [Company Outlook](#) [Chart](#) [Conversations](#) [Statistics](#) [Historical Data](#) [Profile](#) [Financials](#) [Analysis](#) [Options](#) [Holders](#) [Sustainability](#)

Time Period: Oct 20, 2020 - Nov 22, 2020

Show: Historical Prices

Frequency: Daily

Apply

Currency in USD [Download](#)

Date	Open	High	Low	Close*	Adj Close**	Volume
Nov 20, 2020	43.80	45.32	43.45	44.68	44.68	17,045,500
Nov 19, 2020	43.12	43.87	42.80	43.62	43.62	13,874,000
Nov 18, 2020	42.94	44.29	42.80	43.33	43.33	9,988,700
Nov 17, 2020	42.36	43.43	42.36	42.85	42.85	11,288,800
Nov 16, 2020	43.50	43.64	42.43	42.73	42.73	14,275,400
Nov 13, 2020	43.25	43.53	42.42	43.48	43.48	8,112,900
Nov 12, 2020	43.30	44.15	42.68	42.81	42.81	9,104,100
Nov 11, 2020	42.97	43.73	42.86	43.63	43.63	11,060,800
Nov 10, 2020	43.36	43.97	41.61	42.41	42.41	14,129,200
Nov 09, 2020	43.96	45.18	43.11	43.19	43.19	21,244,700
Nov 06, 2020	43.51	44.19	42.82	43.12	43.12	17,096,900
Nov 05, 2020	43.51	44.04	42.48	43.71	43.71	19,693,600
Nov 04, 2020	42.23	42.93	40.81	42.76	42.76	34,717,000
Nov 03, 2020	40.03	42.12	40.03	41.73	41.73	33,813,100
Nov 02, 2020	41.15	41.60	38.93	39.47	39.47	47,323,500
Oct 30, 2020	44.53	45.18	40.83	41.36	41.36	86,346,700
Oct 29, 2020	51.95	52.93	50.57	52.43	52.43	55,935,600
Oct 28, 2020	49.60	50.00	48.25	48.53	48.53	20,168,100
Oct 27, 2020	49.50	51.51	49.14	51.27	51.27	19,306,200
Oct 26, 2020	50.00	50.65	48.40	49.00	49.00	22,804,000
Oct 23, 2020	50.20	50.50	48.94	50.44	50.44	14,897,700
Oct 22, 2020	50.00	50.34	48.11	50.28	50.28	18,289,000
Oct 21, 2020	48.97	50.53	48.85	50.24	50.24	30,719,700

*Close price adjusted for splits. **Adjusted close price adjusted for splits and dividend and/or capital gain distributions.

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Symbol	Last Price	Change	% Change
META	144.60	-1.49	-1.02%
Meta Platforms, Inc.			
SNAP	11.03	-0.09	-0.81%
Snap Inc.			
BABA	83.06	-2.74	-3.19%
Alibaba Group Holding Limited			
NFLX	241.48	-1.37	-0.56%
Netflix, Inc.			
SQ	60.65	-0.82	-1.33%
Block, Inc.			

Similar to TWTR

Symbol	Last Price	Change	% Change
META	144.60	-1.49	-1.02%
Meta Platforms, Inc.			
SNAP	11.03	-0.09	-0.81%
Snap Inc.			
TWLO	74.13	-0.38	-0.51%
Twilio Inc.			
GOOG	101.98	+0.15	+0.15%
Alphabet Inc.			
GOOGL	101.29	+0.15	+0.15%
Alphabet Inc.			

Total ESG Risk score >**19.3** Low 23rd percentile**Earnings >**

Consensus EPS

Exhibit 27

United States Senate Committee on Commerce, Science, and Transportation

**Testimony of Jack Dorsey
Chief Executive Officer
Twitter, Inc.**

October 28, 2020

Chairman Wicker, Ranking Member Cantwell, and Members of the Committee:

Thank you for the opportunity to appear before the Committee and speak with the American people. Section 230 is the Internet's most important law for free speech and safety. Weakening Section 230 protections will remove critical speech from the Internet.

Twitter's purpose is to serve the public conversation. People from around the world come together on Twitter in an open and free exchange of ideas. We want to make sure conversations on Twitter are healthy and that people feel safe to express their points of view. We do our work recognizing that free speech and safety are interconnected and can sometimes be at odds. We must ensure that all voices can be heard, and we continue to make improvements to our service so that everyone feels safe participating in the public conversation—whether they are speaking or simply listening. The protections offered by Section 230 help us achieve this important objective.

As we consider developing new legislative frameworks, or committing to self-regulation models for content moderation, we should remember that Section 230 has enabled new companies—small ones seeded with an idea—to build and compete with established companies globally. Eroding the foundation of Section 230 could collapse how we communicate on the Internet, leaving only a small number of giant and well-funded technology companies.

We should also be mindful that undermining Section 230 will result in far more removal of online speech and impose severe limitations on our collective ability to address harmful content and protect people online. I do not think anyone in this room or the American people want less free speech or more abuse and harassment online. Instead, what I hear from people is that they want to be able to trust the services they are using.

I want to focus on solving the problem of how services like Twitter earn trust. And I also want to discuss how we ensure more choice in the market if we do not. During my testimony, I want to share our approach to earn trust with people who use Twitter. We believe these principles can be applied broadly to our industry and build upon the foundational framework of Section 230 for how to moderate content online. We seek to earn trust in four critical ways: (1) transparency, (2) fair processes, (3) empowering algorithmic choice, and (4) protecting the privacy of the people who use our service. My testimony today will explain our approach to these principles.

I. ENSURING GREATER TRANSPARENCY

We believe increased transparency is the foundation to promote healthy public conversation on Twitter and to earn trust. It is critical that people understand our processes and that we are transparent about what happens as a result. Content moderation rules and their potential effects, as well as the process used to enforce those rules, should be simply explained and understandable by anyone. We believe that companies like Twitter should publish their moderation process. We should be transparent about how cases are reported and reviewed, how decisions are made, and what tools are used to enforce. Publishing answers to questions like these will make our process more robust and accountable to the people we serve.

At Twitter, we use a combination of machine learning and humans to review reports and determine whether they violate the Twitter Rules. We take a behavior-first approach, meaning we look at how accounts behave before we review the content they are posting. Twitter's open nature means our enforcement actions are plainly visible to the public, even when we cannot reveal the private details of individual accounts that have violated our Rules. We have worked to build better in-app notices where we have removed Tweets for breaking our Rules. We also communicate with both the account that reports a Tweet and the account that posted it with additional detail on our actions. That said, we know we can continue to improve to further earn the trust of the people using Twitter.

In addition, regular reporting of outcomes in aggregate would help us all to increase accountability. We do this currently through the Twitter Transparency Center. This site provides aggregate content moderation data and other information for the individuals who use Twitter, academics, researchers, civil society groups, and others who study what we do to understand bigger societal issues. We believe it is now more important than ever to be transparent about our practices.

II. ADVANCING PROCEDURAL FAIRNESS

As a company, Twitter is focused on advancing the principle of procedural fairness in our decision-making. We strive to give people an easy way to appeal decisions we make that they think are not right. Mistakes in enforcement, made either by a human or algorithm, are inevitable, and why we strive to make appeals easier. We believe that all companies should be required to provide a straightforward process to appeal decisions made by humans or algorithms. This makes certain people can let us know when we do not get it right, so that we can fix any mistakes and make our processes better in the future.

Procedural fairness at Twitter also means we ensure that all decisions are made without using political viewpoints, party affiliation, or political ideology, whether related to automatically ranking content on our service or how we develop or enforce the Twitter Rules. Our Twitter Rules are not based on ideology or a particular set of beliefs. We believe strongly in being impartial, and we strive to enforce our Twitter Rules fairly.

III. EMPOWERING ALGORITHMIC CHOICE

We believe that people should have choices about the key algorithms that affect their experience online. At Twitter, we want to provide a useful, relevant experience to all people using our service. With hundreds of millions of Tweets every day on Twitter, we have invested heavily in building systems that organize content to show individuals the most relevant information for that individual first. With 186 million people last quarter using Twitter each day in dozens of languages and countless cultural contexts, we rely upon machine learning algorithms to help us organize content by relevance.

In December 2018, Twitter introduced an icon located at the top of everyone's timelines that allows individuals using Twitter to easily switch to a reverse chronological order ranking of the Tweets from accounts or topics they follow. This improvement gives people more control over the content they see, and it also provides greater transparency into how our algorithms affect what they see. It is a good start. We believe this points to an exciting, market-driven approach where people can choose what algorithms filter their content so they can have the experience they want. We are inspired by the approach suggested by Dr. Stephen Wolfram, Founder and Chief Executive Officer of Wolfram Research, in his testimony before the Subcommittee on Communications, Technology, Innovation, and the Internet in June 2019. Enabling people to choose algorithms created by third parties to rank and filter their content is an incredibly energizing idea that is in reach.

We also recognize that we can do even more to improve our efforts to provide greater algorithmic transparency and fair machine learning. The machine learning teams at Twitter are studying these techniques and developing a roadmap to ensure our present and future machine learning models uphold a high standard when it comes to algorithmic transparency and fairness. We believe this is an important step in ensuring fairness in how we operate and we also know that it is critical that we be more transparent about our efforts in this space.

IV. PROTECTING THE PRIVACY OF PEOPLE ON TWITTER

In addition to the principles I have outlined to address content moderation issues in order to better serve consumers, it is also critical to protect the privacy of the people who use online services. At Twitter, we believe privacy is a fundamental human right, not a privilege. We offer a range of ways for people to control their privacy experience on Twitter, from offering pseudonymous accounts to letting people control who sees their Tweets to providing a wide array of granular privacy controls. Our privacy efforts have enabled people around the world using Twitter to protect their own data.

That same philosophy guides how we work to protect the data people share with Twitter. Twitter empowers the people who use our service to make informed decisions about the data they share with us. We believe individuals should know, and have meaningful control over, what data is being collected about them, how it is used, and when it is shared.

Twitter is always working to improve transparency into what data is collected and how it is used. We believe that individuals should control the personal data that is shared with companies and provide them with the tools to help them control their data. Through the account settings on Twitter, we give people the ability to make a variety of choices about their data privacy, including limiting the data we collect, determining whether they see interest-based advertising, and controlling how we personalize their experience. In addition, we provide them the ability to access information about advertisers that have included them in tailored audiences to serve them ads, demographic and interest data about their account from ad partners, and information Twitter has inferred about them.

* * *

As you consider next steps, we urge your thoughtfulness and restraint when it comes to broad regulatory solutions to address content moderation issues. We must optimize for new startups and independent developers. In some circumstances, sweeping regulations can further entrench companies that have large market shares and can easily afford to scale up additional resources to comply. We are sensitive to these types of competition concerns because Twitter does not have the same breadth of interwoven products or market size as compared to our industry peers. We want to ensure that new and small companies, like we were in 2006, can still succeed today. Doing so ensures a level playing field that increases the probability of competing ideas to help solve problems going forward. We must not entrench the largest companies further.

I believe the best way to address our mutually-held concerns is to require the publication of moderation processes and practices, a straightforward process to appeal decisions, and best efforts around algorithmic choice. These are achievable in short order. We also encourage Congress to enact a robust federal privacy framework that protects consumers while fostering competition and innovation.

We seek to earn trust from the people who use our service every day, and I hope the principles I describe and my responses to your questions can better inform your efforts. Thank you for the opportunity to appear. We look forward to continuing this dialogue with the Committee.

Exhibit 28

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549**

FORM 8-K

**CURRENT REPORT
Pursuant to Section 13 or 15(d)
of The Securities Exchange Act of 1934**

Date of Report (Date of earliest event reported): April 25, 2022

Twitter, Inc.

(Exact name of registrant as specified in its charter)

Delaware
(State or other jurisdiction
of incorporation)

001-36164
(Commission
File Number)

20-8913779
(IRS Employer
Identification No.)

**1355 Market Street, Suite 900
San Francisco, California 94103**
(Address of principal executive offices, including zip code)

(415) 222-9670
(Registrant's telephone number, including area code)

Not Applicable
(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Securities registered pursuant to Section 12(b) of the Act:

Title of each class	Trading Symbol(s)	Name of each exchange on which registered
Common Stock, par value \$0.000005 per share	TWTR	New York Stock Exchange
Preferred Stock Purchase Rights	N/A	New York Stock Exchange

Indicate by check mark whether the registrant is an emerging growth company as defined in Rule 405 of the Securities Act of 1933 (17 CFR §230.405) or Rule 12b-2 of the Securities Exchange Act of 1934 (17 CFR §240.12b-2).

Emerging growth company

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act.

Item 1.01. Entry into a Material Definitive Agreement.**Merger Agreement**

On April 25, 2022, Twitter, Inc. ("Twitter") entered into an Agreement and Plan of Merger (the "Merger Agreement") with X Holdings I, Inc. ("Parent"), X Holdings II, Inc., a wholly owned subsidiary of Parent ("Acquisition Sub"), and, solely for the purpose of certain provisions of the Merger Agreement, Elon R. Musk. The Merger Agreement provides that, subject to the terms and conditions set forth in the Merger Agreement, Acquisition Sub will merge with and into Twitter (the "Merger"), with Twitter surviving the Merger and becoming a wholly owned subsidiary of Parent (the "Surviving Corporation"). Parent is wholly owned by Mr. Musk.

Twitter's Board of Directors (the "Board") unanimously determined that the transactions contemplated by the Merger Agreement, including the Merger, are in the best interests of Twitter and its stockholders, and approved the Merger Agreement and the transactions contemplated by the Merger Agreement. The Board also unanimously resolved to recommend that Twitter's stockholders vote to adopt and approve the Merger Agreement and the Merger.

Under the Merger Agreement, at the effective time of the Merger, each issued and outstanding share of Twitter's common stock (subject to certain exceptions set forth in the Merger Agreement) will be canceled and converted into the right to receive \$54.20 in cash, without interest (the "Merger Consideration").

At the effective time of the Merger, Twitter's equity-based awards (other than stock options) generally will be treated in the following manner:

- Each outstanding equity-based award, to the extent then vested, will be canceled and converted into the right to receive an amount in cash, without interest, equal to the product obtained by multiplying (1) the amount of the Merger Consideration by (2) the total number of shares of Twitter's common stock then subject to the then-vested portion of such equity-based award (and with respect to any vested equity-based awards subject to performance vesting conditions, calculated based on the achievement of the applicable performance metrics at the level of performance at which such equity-based award vested in accordance with its terms).
- Each outstanding equity-based award, to the extent not then vested, will be canceled and converted into the right to receive an amount in cash, without interest, equal to the product obtained by multiplying (1) the amount of the Merger Consideration by (2) the total number of shares of Twitter's common stock subject to the then-unvested portion of such equity-based award (and with respect to any unvested equity-based awards subject to performance vesting conditions, calculated based on the achievement of the applicable performance metrics at the target level of performance). Such cash amount will, subject to the holder's continued service with Parent and its affiliates (including Twitter) through the applicable vesting dates, vest and be payable in accordance with the existing vesting schedule and other terms and conditions of such equity-based award (other than performance-based vesting conditions).

At the effective time of the Merger, Twitter's stock options will be treated in the following manner:

- Each outstanding stock option, to the extent then vested, will be canceled and converted into the right to receive an amount in cash, without interest, equal to the product obtained by multiplying (1) the excess, if any, of the amount of the Merger Consideration over the exercise price per share of Twitter's common stock underlying such stock option by (2) the total number of shares of Twitter's common stock subject to such stock option.
- Each outstanding stock option, to the extent not then vested, will be canceled and converted into the right to receive an amount in cash, without interest, equal to the product obtained by multiplying (1) the excess, if any, of the amount of the Merger Consideration over the exercise price per share of Twitter's common stock underlying such stock option by (2) the total number of shares of Twitter's common stock subject to the then-unvested portion of such stock option. Such cash amount will, subject to the holder's continued service with Parent and its affiliates (including Twitter) through the applicable vesting dates, vest and be payable in accordance with the existing vesting schedule and other terms and conditions of such stock option.
- Any stock option, whether vested or unvested, for which the exercise price per share attributable to such stock option is equal to or greater than the Merger Consideration will be canceled without any cash payment being made in respect thereof.

Consummation of the Merger is subject to the satisfaction or waiver of customary closing conditions, including: (1) approval of the Merger Agreement by Twitter's stockholders; (2) the expiration or termination of the waiting period under the United States Hart-Scott-Rodino Antitrust Improvements Act of 1976, as amended, and clearance under the antitrust and foreign investment laws of the United States and certain non-United States jurisdictions; and (3) the absence of any law or order by a governmental authority of the United States or certain non-United States jurisdictions that has the effect of rendering illegal or prohibiting consummation of the Merger, or causing the Merger to be rescinded following the completion thereof.

The Merger Agreement contains customary representations, warranties and covenants made by each of Twitter, Parent, Acquisition Sub and, for purposes of certain provisions, Mr. Musk, including, among others, covenants by Twitter regarding the conduct of its business prior to the closing of the Merger. Beginning on the date of the Merger Agreement, Twitter is subject to customary “no-shop” restrictions pursuant to which the Company may not, among other things: (1) solicit, initiate, knowingly encourage or knowingly facilitate any substantive discussion, offer or request that constitutes or would reasonably be expected to lead to a competing acquisition proposal; or (2) subject to certain exceptions, engage in negotiations or substantive discussions with, or furnish any material non-public information to, any person relating to a competing acquisition proposal or any inquiry or proposal that would reasonably be expected to lead to a competing acquisition proposal. In addition, Twitter has agreed that, subject to certain exceptions, the Board will not recommend that Twitter’s stockholders vote against the adoption of the Merger Agreement or in favor of any competing acquisition proposal. Twitter has also agreed that it will file with the Securities and Exchange Commission (the “SEC”) a proxy statement in preliminary form relating to the adoption of the Merger Agreement by Twitter’s stockholders as promptly as reasonably practicable after the date of the Merger Agreement, and will convene and hold a special meeting of the Company’s stockholders for the purpose of seeking the adoption of the Merger Agreement as promptly as reasonably practicable after the proxy statement in definitive form is ready to be filed, subject to the terms of the Merger Agreement.

Either Twitter or Parent may terminate the Merger Agreement if, among certain other circumstances, (1) the Merger has not been consummated on or before October 24, 2022, which date will be extended for six months if the closing conditions related to applicable antitrust and foreign investment clearances and the absence of any applicable law or order making illegal or prohibiting the Merger have not been satisfied as of such date; or (2) Twitter’s stockholders fail to adopt the Merger Agreement. Twitter may terminate the Merger Agreement in certain additional limited circumstances, including to allow Twitter to enter into a definitive agreement for a competing acquisition proposal that constitutes a Superior Proposal (as defined in the Merger Agreement). Parent may terminate the Merger Agreement in certain additional limited circumstances, including prior to the adoption of the Merger Agreement by Twitter’s stockholders if the Board recommends that Twitter’s stockholders vote against the adoption of the Merger Agreement or in favor of any competing acquisition proposal.

Upon termination of the Merger Agreement under specified limited circumstances, Twitter will be required to pay Parent a termination fee of \$1.0 billion. Specifically, this termination fee is payable by Twitter to Parent because (1) Twitter terminates the Merger Agreement to allow Twitter to enter into a definitive agreement for a competing acquisition proposal that constitutes a Superior Proposal; or (2) Parent terminates the Merger Agreement because the Board recommends that Twitter’s stockholders vote against the adoption of the Merger Agreement or in favor of any competing acquisition proposal. This termination fee will also be payable by Twitter to Parent in the event that, generally, (1) a competing acquisition proposal for 50% or more of the stock or consolidated assets of Twitter has been publicly announced and not withdrawn, (2) the Merger Agreement is terminated because Twitter’s stockholders fail to adopt the Merger Agreement or because Twitter materially breaches the Merger Agreement, and (3) within twelve months of such termination of the Merger Agreement, Twitter enters into a definitive agreement providing for a competing acquisition proposal for 50% or more of the stock or consolidated assets of Twitter and such acquisition is subsequently consummated.

Upon termination of the Merger Agreement under other specified limited circumstances, Parent will be required to pay Twitter a termination fee of \$1.0 billion. Specifically, this termination fee is payable by Parent to Twitter if the Merger Agreement is terminated by Twitter because (1) the conditions to Parent’s and Acquisition Sub’s obligations to consummate the Merger are satisfied and the Parent fails to consummate the Merger as required pursuant to, and in the circumstances specified in, the Merger Agreement; or (2) Parent or Acquisition Sub’s breaches of its representations, warranties or covenants in a manner that would cause the related closing conditions to not be satisfied. Mr. Musk has provided Twitter with a limited guarantee in favor of Twitter (the “Limited Guarantee”). The Limited Guarantee guarantees, among other things, the payment of the termination fee payable by Parent to Twitter, subject to the conditions set forth in the Limited Guarantee.

Pursuant to an equity commitment letter dated April 25, 2022, and subject to the terms thereof, Mr. Musk committed to provide Parent, at the effective time of the Merger, with an equity contribution of up to approximately \$21 billion. Pursuant to a debt commitment letter dated April 25, 2022, and subject to the terms and conditions set forth therein, the commitment parties party thereto committed to provide to Acquisition Sub, at the effective time of the Merger, debt financing of approximately \$13 billion. Pursuant to a margin loan commitment letter dated April 25, 2022, and subject to the terms and conditions set forth therein, the commitment parties party thereto committed to provide to X Holdings III, LLC, a Delaware limited liability company wholly owned by Mr. Musk, at the effective time of the Merger, margin loan financing of approximately \$12.5 billion, the proceeds of which will be distributed or otherwise made available to Acquisition Sub.

The Merger Agreement also provides that Twitter, on one hand, or Parent and Acquisition Sub, on the other hand, may specifically enforce the obligations under the Merger Agreement, except that Twitter may only cause Mr. Musk’s equity financing commitment to be funded in circumstances where the conditions to Parent’s and Acquisition Sub’s obligations to consummate the Merger are satisfied and the debt and margin loan financing is funded or available. As described above, if the conditions to Parent’s and Acquisition Sub’s obligations to complete the Merger are satisfied and Parent fails to consummate the Merger as required pursuant to the Merger Agreement, including because the equity, debt and/or margin loan financing is not funded, Parent will be required to pay Twitter a termination fee of \$1.0 billion.

The foregoing description of the Merger Agreement is qualified in its entirety by reference to the full text of the Merger Agreement, a copy of which is filed as Exhibit 2.1 and is incorporated herein by reference.

The Merger Agreement contains representations and warranties by each of Parent, Acquisition Sub and Twitter. These representations and warranties were made solely for the benefit of the parties to the Merger Agreement and:

- should not be treated as categorical statements of fact, but rather as a way of allocating the risk to one of the parties if those statements prove to be inaccurate;
- may have been qualified in the Merger Agreement by disclosures that were made to the other party in connection with the negotiation of the Merger Agreement;
- may apply contractual standards of “materiality” that are different from “materiality” under applicable securities laws; and
- were made only as of the date of the Merger Agreement or such other date or dates as may be specified in the Merger Agreement.

Preferred Stock Rights Agreement

On April 25, 2022, the Board approved an Amendment No. 1 (the “Amendment No. 1”) to the Preferred Stock Rights Agreement by and between Twitter and Computershare Trust Company, N.A. as rights agent, dated April 15, 2022 (the “Rights Agreement”). Amendment No. 1 prevents the approval, execution, delivery or performance of the Merger Agreement, or the consummation prior to the termination of the Merger Agreement of the Merger or any of the other transactions contemplated by the Merger Agreement in accordance with its terms, from, among other things, (i) resulting in a Distribution Date (as defined by the Rights Agreement) or permitting the Rights (as defined by the Rights Agreement) to be exercised or exchanged, and (ii) causing Parent, Acquisition Sub or their respective affiliates to be deemed an Acquiring Person (as defined by the Rights Agreement) for any purpose under the Rights Agreement.

The foregoing description of Amendment No. 1 is only a summary, does not purport to be complete and is qualified in its entirety by reference to the Rights Agreement and Amendment No. 1, copies of which are attached as Exhibit 4.1 and Exhibit 4.2, respectively, and are incorporated herein by reference.

Item 3.03. Material Modification to Rights of Security Holders.

The information included in Item 1.01 of this Current Report on Form 8-K under the caption Preferred Stock Rights Agreement is incorporated by reference into this Item 3.03.

Additional Information and Where to Find It

Twitter, its directors and certain executive officers are participants in the solicitation of proxies from stockholders in connection with the pending acquisition of Twitter (the “Transaction”). Twitter plans to file a proxy statement (the “Transaction Proxy Statement”) with the SEC in connection with the solicitation of proxies to approve the Transaction. Additional information regarding such participants, including their direct or indirect interests, by security holdings or otherwise, will be included in the Transaction Proxy Statement and other relevant documents to be filed with the SEC in connection with the Transaction. Information relating to the foregoing can also be found in Twitter’s definitive proxy statement for its 2022 Annual Meeting of Stockholders (the “2022 Proxy Statement”), which was filed with the SEC on April 12, 2022. To the extent that holdings of Twitter’s securities have changed since the amounts printed in the 2022 Proxy Statement, such changes have been or will be reflected on Statements of Change in Ownership on Form 4 filed with the SEC.

Promptly after filing the definitive Transaction Proxy Statement with the SEC, Twitter will mail the definitive Transaction Proxy Statement and a WHITE proxy card to each stockholder entitled to vote at the special meeting to consider the Transaction. STOCKHOLDERS ARE URGED TO READ THE TRANSACTION PROXY STATEMENT (INCLUDING ANY AMENDMENTS OR SUPPLEMENTS THERETO) AND ANY OTHER RELEVANT DOCUMENTS THAT TWITTER WILL FILE WITH THE SEC WHEN THEY BECOME AVAILABLE BECAUSE THEY WILL CONTAIN IMPORTANT INFORMATION. Stockholders may obtain, free of charge, the preliminary and definitive versions of the Transaction Proxy Statement, any amendments or supplements thereto, and any other relevant documents filed by Twitter with the SEC in connection with the Transaction at the SEC’s website (<http://www.sec.gov>). Copies of Twitter’s definitive Transaction Proxy Statement, any amendments or supplements thereto, and any other relevant documents filed by Twitter with the SEC in connection with the Transaction will also be available, free of charge, at Twitter’s investor relations website (<https://investor.twitterinc.com>) or by writing to Twitter, Inc., Attention: Investor Relations, 1355 Market Street, Suite 900, San Francisco, California 94103.

Item 9.01. Financial Statements and Exhibits.

(d) Exhibits.

Exhibit No.	Description
2.1	Agreement and Plan of Merger, dated April 25, 2022, by and among Twitter, Inc., X Holdings I, Inc., X Holdings II, Inc., and, solely for the purposes of certain sections, Elon R. Musk.*
4.1(i)	Preferred Stock Rights Agreement, dated as of April 15, 2022, by and between Twitter, Inc. and Computershare Trust Company, N.A., as rights agent.
4.2	Amendment No. 1 to Preferred Stock Rights Agreement, dated as of April 25, 2022, by and between Twitter, Inc. and Computershare Trust Company, N.A., as rights agent.
104	Cover Page Interactive Data File (formatted as Inline XBRL).

* Schedules and exhibits omitted pursuant to Item 601(b)(2) of Regulation S-K. Twitter will furnish supplementally a copy of any omitted schedule or exhibit to the SEC upon request. Twitter may request confidential treatment pursuant to Rule 24b-2 of the Securities Exchange Act of 1934, as amended, for any schedules or exhibits so furnished.

(i) Previously filed as Exhibit 4.1 to Twitter's Current Report on Form 8-K filed on April 18, 2022.

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

TWITTER, INC.

By: /s/ Ned Segal

Ned Segal

Chief Financial Officer

Date: April 26, 2022